



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

914 BAIL APPLICATION NO. 557 OF 2024

NILESH ROHIDAS GULVE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Dipesh D. Pande.
APP for Respondent/State : Mr. Parikshit P. Dawalkar.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 09th May, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C."), for grant of regular bail in connection with Crime No.641 of 2023, registered with MIDC Police Station, Jalgaon, District Jalgaon, for the offense punishable under Section 302 read with 34 of the Indian Penal Code.

3 It is averred in the report that Sagar Palve was assaulted by this applicant and other two accused by wooden stick, when he was under the influence of liquor and abusing them. He was admitted in the hospital and died. Thereafter, the report was lodged.

4 The learned counsel for applicant submitted that it was not

a planned murder. The incident took place all of a sudden. The applicant has roots in the society. The charge-sheet is filed. Further custody of the applicant is not necessary. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that there are eye-witnesses to the incident. Three accused have assaulted Sagar by wooden stick, fist and kick blows. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses. It is alleged that this applicant assaulted Sagar by wooden stick. It was not a planned murder. Considering the peculiar set of facts and the fact that the applicant has no criminal antecedents, he has roots in the society, he will not flee way from the trial and the trial will take long period, the applicant deserves to be allowed on the principle that bail is rule and jail is exception on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.641 of 2023, registered with MIDC Police Station, Jalgaon, District Jalgaon, for the offense punishable under Section 302 read with 34 of the

Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses, in any manner.
- b) The applicant shall not tamper with the prosecution evidence, in any manner.

III. If breach of any of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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