



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 BAIL APPLICATION NO. 664 OF 2024

Akash Chabu Kamble

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. Rahul Pralhadrao Mote

APP for Respondent/State : Mrs.Dipali S. Jape

...
CORAM : SANJAY A. DESHMUKH, J.
DATED : 23rd APRIL, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.044 of 2024 registered with Khultabad Police Station, Tq.Khultabad, Dist. Chhatrapati Sambhajinagar, for the offences punishable under sections 307, 504 read with 34 of the Indian Penal Code.

2. It is averred in the report by informant Mandabai Ghorpade that on 07.02.2024 she was filling up the water, at that time Chabu Kamble came there and asked her about her son Kiran. He also told her about the messages sent by Kiran on mobile number of his daughter. In the evening at 7.00 p.m., her son came from the hotel and washing his hands and legs. That time, applicant Akash

came there and started quarrel on account of sending messages on whatsapp of his sister. He pulled Kiran from the house and lifted two bricks from the road and pelted it on the head and stomach of Kiran. Two persons accompanied Akash instigated him to kill Kiran. One of them caught hold the hand of Kiran from front side and another inserted knife in his back. Thereafter, he was taken to Primary Health Centre, Khultabad. Thereafter, he was shifted to GHATI hospital. Therefore, the report was registered against the applicant for attempt to commit murder. He died in the incident due to that assault. Accordingly, the crime was registered against the applicant and his father.

3. The learned advocate for the applicant submitted that the applicant is student of 2nd year of Engineering. The applicant has roots in the society. The applicant has no criminal antecedents. Trial would take long period. He, therefore, prayed to allow the application.

4. The learned APP for the respondent-State strongly opposed the application and submitted that the applicant is involved in the serious crime of murder. If the applicant is released on bail, he will certainly pressurize the witnesses. Considering the serious nature of the crime, it is lastly prayed to reject the application.

5. Perused the papers of investigation. The applicant has roots in the society. Incident took place all of sudden. Trial would take long period. The applicant will not flee away from the trial.

Practical investigation is over. Therefore, in view of the principle that bail is rule and jail is exception, the application deserves to be allowed on certain stringent conditions. Hence the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with No.044 of 2024 registered with Khultabad Police Station, Tq.Khultabad, Dist. Chhatrapati Sambhajinagar, for the offences punishable under sections 307, 504 read with 34 of the Indian Penal Code be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall not enter in Sulibhanjan, Tq.Khultabad, till the conclusion of trial.
- III. If any breach of the above conditions is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to the applicant without further reference to this Court.

(SANJAY A. DESHMUKH, J.)