



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

931 BAIL APPLICATION NO. 1564 OF 2024

AMOL GANESH KALE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Jadhav Satej S.

APP for Respondent-State : Mr.A.S. Shinde

...

CORAM : S. G. MEHARE, J.

DATE : 9th October, 2024.

P.C.:

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.32 of 2024 registered with Police Station Charthana, Dist. Parbhani, for the offences punishable under sections 302, 324 read with 34 of the Indian Penal Code.
3. The learned counsel for the applicant submits that the applicant is a rickshaw driver. He was carrying one patient with him. He was stopped near the Dhaba of the deceased. Deceased was pressing him to allow his waiter to occupy seat in the auto rickshaw. Since there was a patient in his auto rickshaw, he did not allow him. In the exchange of hot words, the applicant had slapped him. He also argued that thereafter, the deceased went a Bar. There also he raised quarrel with somebody. Then he went to rickshaw stand. As soon as the applicant came there, the deceased run at him. In that fit of anger, the applicant

stabbed deceased. In short, he would submit that the deceased provoked the applicant, and therefore, the incident happened. The weapon used in the crime has been recovered. There are no antecedents to his discredit. Therefore, he may be granted bail.

4. The learned APP has vehemently argued that the deceased was not armed with weapon. The applicant intentionally stabbed him. There were no circumstances suggesting that the deceased provoked the applicant to commit a crime. The offence is serious. Hence, he does not deserve bail.

5. Perused the papers. The arguments of the learned counsel for the applicant appears to be based upon the prosecution case. The cause for the incident was, not allowing his waiter to seat or occupy the seat in his rickshaw. The deceased was not resident of the village where the auto rickshaws were stationed or parked. Considering facts of the case and nature of the incident, the situation in which the incident happened, the Court is of a view that no purpose will be served by keeping him behind bars. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **AMOL GANESH KALE** be released on bail in Crime No.32 of 2024 registered with Police Station Charthana, Dist. Parbhani, for the offences punishable under sections 302,

324 read with 34 of the Indian Penal Code, on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :

- (a) The applicant should not tamper with the prosecution witnesses.
- (b) He should attend the trial on each and every date and co-operate with the Trial Court to conclude the trial within reasonable time.

[S. G. MEHARE, J.]

sga