



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 BAIL APPLICATION NO. 1716 OF 2024

YOGESH LIMBRAJ KADAM

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. D. R. Kale a/w Mr. Y. H. Lagad.

APP for Respondent-State : Mr. S. P. Sonpawale.

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CORAM : S. G. MEHARE, J.

DATE : 21.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.133 of 2023, registered with Lohara Police Station, District Osmanabad, for the offences punishable under Sections 302, 307, 324, 323, 504, 506 read with Section 34 of the IPC.
3. Learned counsel for the applicant submits that in the scuffle, the deceased fallen on the hard surface and sustained the injuries. The applicant tried to take him at hospital, but due to fear he left him in the road and other persons took him to the hospital. The quarrel took place on the ground of extra

marital relation of the wife of the applicant with the deceased.

The similarly situated co-accused has been granted bail.

4. Learned APP would submit that they had no reason to remove the injured from the spot of the incident and left him in the road. It was an overt act of the applicant which caused death to the deceased. Hence, he may not be granted bail.

5. It appears from the record that the quarrel took place on the place for doubting the extra marital relation of the wife of the applicant with the deceased. Admittedly, the deadly weapons were not used in the crime. The applicant and deceased had scuffle. Spot of the incident was hard surface. The witnesses are stating that the deceased was lying in the road. Under these circumstances, the question would be was it a culpable homicide or murder. Since the weapon was not used, nothing is recovered from him. There are no antecedents to his discredit. Therefore, in the circumstances, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **YOGESH LIMBRAJ KADAM** be released on bail on furnishing PB. 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 effective date.
- (c) He should stay away from village Holi, Taluka Lohara, District Osmanabad for six (6) months from the date of his release. However, he is allowed to attend the trial at Omerga Court.

(S. G. MEHARE, J.)

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vmk/-