



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

35 BAIL APPLICATION NO. 2361 OF 2023

GANESH VIKAS KALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rahul R. Karpe.
APP for Respondent/State : Mrs. Pratibha J. Bharad.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 22nd January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.427 of 2023, registered with Karjat Police Station, District Ahmednagar, for the offences punishable under Sections 302, 307, 324, 323, 504, 143, 147, 148 and 149 of the of the Indian Penal Code.

3 The informant averred in the report that on 7th July, 2023 at about 07:00 pm, her cousin Shital Kale, resident of Patewadi, Taluka Karjat, District Ahmednagar informed her that at about 04:30 pm quarrel took place between Bangar Pawar and Mauli Kale. Bangar sustained injury to his stomach and his wife Kanchan sustained injury to her head. Ramjane Bangar and others assaulted Mauli Kale and his

father by stick, stone and pipe. They are admitted in the hospital at Karjat. The informant came to Karjat. That time, Mauli told her that Ramjane Bangar Pawar, this applicant Vinod Pawar and others assaulted him by stone, stick and pipe. They also beaten him by fist and kick blows. Thereafter, Mauli Kale became unconscious and succumbed to the injuries on the same day. The report was lodged on the same day.

4 The learned counsel for applicant submitted that there are no specific allegations that which of the accused assaulted to whom. The learned counsel for applicant pointed out that statements of witnesses (one out of them is police officer) that applicant and other accused assaulted Mauli with stick etc. The learned counsel for applicant submitted that all these allegations are vague in nature. The stick and pipe are seized. The clothes of the applicant and other accused are also seized. Investigation is over. The charge-sheet is filed. Custodial interrogation of the applicant is not necessary. The applicant has no criminal antecedents. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the statements of eye-witnesses, postmortem report and seizure of *Panchanama* of the clothes, stick

etc. It is submitted that the applicant involved in serious crime. His name is mentioned in the report and eye-witnesses are stating the name of applicant that the applicant and others assaulted Mauli Kale, who succumbed to the injury. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the statements of eye-witnesses. They have not specifically stated as to which of the accused, including this applicant, assaulted Mauli and other injured. Apart from the merits, considering the fact that applicant has no criminal antecedents, he has roots in the society and he will not flee away from trial, the custodial interrogation of the applicant is not necessary. Trial will take long period. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.427 of 2023, registered with Karjat Police Station, District Ahmednagar, for the offences punishable under Sections 302, 307, 324, 323, 504, 143, 147, 148 and 149 of the 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.
- b) The applicant shall not tamper with the prosecution evidence, in any manner.
- c) The applicant shall not enter in village Nimgaon Daku, Taluka Karjat, District Ahmednagar, till decision of trial.

[SANJAY A. DESHMUKH, J.]

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