

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1240 OF 2024

Santosh @ Pilya Anant Khillare

...Applicant

Vs.

The State of Maharashtra

...Respondent

Ms. Manisha Devkar with Shankar Katkar, for the Applicant.

Mr. P. H. Gaikwad, APP for State-Respondent.

Mr. S. H. Koli, HC, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 19th AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No.640 of 2023 registered with Akuj Police Station, for the offences punishable under Sections 302, 109, 201, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3) In the present matter, the date of the alleged incident is 11th September, 2023, whereas, the complaint was lodged on 13th September, 2023. The medical documents show that while the medical

treatment was provided on the date of the incident, the doctor recorded the history on the instructions of the relative of the deceased, and as per the said history, the deceased was in a drunken condition and he himself fell down on his head. The medical documents and delay in lodging the complaint, create doubt about the veracity of the prosecution case.

4) There is no direct eyewitness to the incident, and the statement of Umesh Bapu Avghade is of 13th September, 2023 and contrary to history recorded by the doctor or the reason for causing head injury to the deceased.

5) In that view of the matter, considering the fact that the charge-sheet has been filed and the applicant is in jail from last about 11 months, I am of the opinion that further custody of the applicant is not required. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.640 of 2023 registered with Akuj Police Station, for the offences punishable under Sections 302, 109, 201, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- iii The applicant shall not enter into the territorial jurisdiction of Akuj Police Station, till the conclusion of the trial except on the date of trial;

- iv The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16th day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;
- v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]