

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3095 OF 2024

Dipak Vishnu Dalavi Applicant
versus
The State of Maharashtra and another Respondents

Mrs.Ashwini Bhikan Jadhav, Advocate for Applicant.
Mr.PP.Deokar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 24th October 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.71 of 2022 registered with Banda Police Station, District Sindhudurg, for the offences punishable under Sections 302, 177 of Indian Penal Code.
3. After going through the charge sheet and relevant material collected by the Investigating Officer during investigation it is evident that the Applicant is the son of the deceased and even as per the opinion of Doctor the deceased died due to fist blows. The deceased could not sustain the said blows because of her age.
4. In the above referred backdrop nothing is on record to show that there was any intention of the Applicant to kill his mother. In absence of any material and motive and use of any weapon in the present matter, I am of the opinion that as the Applicant is in jail from last two years and there is no progress in the trial, Applicant

is entitled for grant of bail. Learned APP has, however, strongly opposed the application. However, in view of the observations made above and the material collected by the Investigating Officer during investigation, I am of the view that this is a fit case for grant of bail. Hence, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.71 of 2022 registered with Banda Police Station, District Sindhudurg, for the offences punishable under Sections 302, 177 of Indian Penal Code on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall attend Banda Police Station, District Sindhudurg, on every 1st and 16th of every month between 10.00 a.m and 11.00 a.m till conclusion of trial;
- (iv) 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;
- (v) Liberty is granted to the State for cancellation of bail if the applicant breaches any condition or misuses the liberty or commits similar offence;
- (vi) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)