



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.570 OF 2024

Prakash Shankar Balghare ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Satyavrat Joshi a/w. Ms. Disha Rathod i/b. Ms. Sakshi Mane,
Advocates for the Applicant.
Ms. Veera Shinde, APP for the Respondent-State.
Mr. Dnyaneshwar Nagnath Raut, P.S.I. attached to Khed Police
Station present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 9th FEBRUARY 2024

PC:-

1. Heard Mr. Joshi, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	734 of 2023
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2.	Date of Registration of F.I.R.	14/09/2024
3.	Name of Police Station	Khed Police Station, District-Pune
4.	Section/s invoked	302, 326, 325, 324, 323, 341, 143, 147, 148, 149, 504, 506 of the I.P.C., 1860
5.	Date of Incident	14/09/2023
6.	Date of Arrest	16/09/2023
7.	Date of filing of Charge-sheet	12/12/2023

3. As per the prosecution case, the deceased had borrowed Rs.1,50,000/- from the family of the Applicant. The Applicant is also closely related to the deceased. As in spite of demands, the deceased was not repaying the borrowed amount, therefore on 14th September 2023 at about 7.30 a.m. the incident has occurred. On 13th September 2023, there was also a quarrel on the same subject between the family of the Applicant, the Applicant and the deceased. In the incident in question the Applicant along with other co-accused, who are all family members of the Applicant, assaulted the deceased with wooden sticks. The deceased succumbed to the resultant injuries on 15th September 2023 at about 8.10 p.m.

4. Mr. Joshi, learned Counsel appearing for the Applicant submitted that the present Applicant is a senior citizen aged 70 years and in fact as per the F.I.R. which has been lodged by the deceased when he was taken to the hospital, he has not mentioned the name of the Applicant as the person who assaulted him. He further submitted that since the Applicant is senior citizen and Charge-sheet has been filed, the Applicant be enlarged on bail.

5. On the other hand, Ms. Shinde, learned Counsel appearing for the Respondent-State strongly opposed the Bail Application. She pointed out the statements of the eye-witnesses namely Dattatray Baburao Balghare (Page 116) and Anjanabai Dattatray Balghare (Page 117). She submitted that all of them have witnessed the incident and they have named the present Applicant as one of the person who has assaulted the deceased. She therefore submitted that Bail Application be rejected.

6. Perusal of the prosecution case as reflected in the F.I.R. and various statements annexed to the Charge-sheet, shows that the deceased had borrowed Rs.1,50,000/- from the family of the Applicant and he was not returning the same in spite of repeated

demands. In fact, on an earlier date i.e. on 13th September 2023 also there was some altercation between the Applicant, his family members and the deceased as the deceased was not returning the borrowed amount. The Applicant is a senior citizen aged 70 years old. As per the Charge-sheet even if the entire case of the prosecution is considered, then also the Applicant has assaulted the deceased with a wooden stick. It is an admitted position that investigation has been completed and that Charge-sheet has been filed. As per the Charge-sheet there are 21 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. There are no criminal antecedents against the present Applicant.

8. Mr. Joshi, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within the jurisdiction of Khed Police Station, Pune and that the Applicant will reside at Kharabwadi, Chakan, Taluka-Khed, District-Pune.

9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant- Prakash Shankar Balghare be released on bail in connection with C. R. No.734 of 2023 registered with the Khed Police Station, Taluka-Khed, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (b) The Applicant shall not enter the jurisdiction of Khed Police Station, Pune after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated,

in case of any change thereto.

- (d) The Applicant shall report to the Chakan Police Station, Taluka-Khed, District-Pune once in a month on first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Chakan Police Station, Taluka-Khed, District-Pune to communicate details thereof to the Investigating Officer.
- (e) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.
- (g) The Applicant shall attend the trial regularly. The

Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

12. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merits and uninfluenced by the observations made in this order.

(MADHAV J. JAMDAR, J.)