



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1364 OF 2024

Lalaso Dhondiba Kokare ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Ranjeet M. Pawar, Advocate, for the Applicant.
Ms. S. S. Kaushik, APP, for the Respondent-State.
Mr. Devidas Rohidas Salve, A.S.I., Malegaon Police Station, Pune
Rural, Pune present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 8th APRIL 2024

P. C.:

1. Heard Mr. Pawar learned Counsel for the Applicant and Ms. Kaushik, learned APP 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.	573 of 2023
2.	Date of registration of F.I.R.	14/11/2023
3.	Name of Police Station	Malegaon, District-Pune
4.	Section/s invoked	302 of the Indian Penal Code, 1860

5.	Date of incident	14/11/2023
6.	Date of arrest	14/11/2023
7.	Date of filing of Charge-sheet	07/02/2024

3. As per the prosecution case, the Informant is the son of the Applicant and the deceased is also another son of the Applicant and the brother of the Informant. As per the prosecution case, the deceased was a habitual alcoholic and used to assault his parents frequently. On 12th November 2023, the deceased, under the influence of alcohol abused his parents and destroyed the sweets which were prepared for celebrating Diwali. Thereafter, he assaulted the parents very severely and therefore, on 13th November 2023, the mother of the Informant i.e. wife of the Applicant, informed the Informant that as the deceased was mercilessly assaulting his parents, she fled from the house and went to her parents' house. It appears that as the deceased was mercilessly assaulting the Applicant, the Applicant assaulted the deceased and the deceased succumbed to the resultant injuries.

4. Mr. Pawar, learned Counsel for the Applicant submitted that the Applicant is a senior citizen aged 60 years. The incident in

question occurred because of the continuous harassment and assault by the deceased-son. He submitted that there is no incriminating material against the Applicant. He submitted that investigation is complete and Charge-sheet is filed and therefore, the Applicant be released on bail.

5. On the other hand, Ms. Kaushik, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that although the case is of circumstantial evidence, there is recovery of blood stained clothes and an iron rod. She submitted that there are strong circumstances and there is motive to commit the crime and therefore, she prayed that the Bail Application be rejected.

6. Perusal of the record shows that in the present case, the incident in question occurred on 14th November 2023, F.I.R. was lodged on 14th November 2023, the Applicant was arrested on 14th November 2023 and, Charge-sheet was filed on 7th February 2024. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 15 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. The Applicant is senior citizen aged 60 years.
8. The Applicant does not have any criminal antecedents.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:-

ORDER

- (a) The Applicant – Lalaso Dhondiba Kokare be released on bail in connection with C.R. No.573 of 2023 registered with the Malegaon Police Station, District - Pune on his furnishing P.R. Bond of Rs.10,000/- with one or two sureties in the like amount.

- (b) 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.
- (c) The Applicant shall report to the Malegaon Police Station, District – Pune as and when called by the Investigating Officer.
- (d) 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.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and

shall not seek unnecessary adjournments thereat.

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

12. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]