

Arjun

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

BAIL APPLICATION NO.1743 OF 2023

Lalu @ Lalman Laxman Khade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Pratik Kalantri a/w Piyush Toshniwal, for the Applicant.
Mrs. Veera Shinde, APP, for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : JANUARY 10, 2024**

P.C.:

- 1.** Heard Mr. Kalantri, learned Counsel appearing for the Applicant and Mrs. Shinde, learned APP appearing for the Respondent-State.
- 2.** This is a regular Bail Application filed under Section 439 of the *Code of Criminal Procedure, 1973* by the Applicant - Accused No.3.
- 3.** The relevant details are as follows:-

1	C.R. No.	115 of 2020
2	Date of Registration of F.I.R.	11/09/2020
3	Police Station	Ghoti Police Station, District Nashik

4	Sections Applied	Sections 302, 307, 504, 506 of the <i>India Penal Code, 1860</i>
5	Date of Incident	10/09/2020
6	Date of Arrest	11/09/2020
7	Date of filing of Charge-sheet	28/11/2020

4. The Applicant and the deceased are real brothers. As per the prosecution case, there was a dispute between the Applicant and the deceased regarding share in their ancestral property. The deceased told the Applicant that he would not be given any share in the immovable property and, therefore, a quarrel occurred between the Applicant and the deceased and in the said quarrel, the Applicant assaulted the deceased with a sickle on his head.

5. The Accused was arrested on 11th September 2020 and, therefore, he is under incarceration since 3 years and 4 months. The Charge-sheet is filed on 28th November 2020. There are 27 witnesses.

6. Mrs. Shinde, learned APP strongly opposes the Application on the ground that there are eye-witnesses. However this is a case where even as per the prosecution case, the incident had occurred in a sudden fight.

7. The Charge-sheet is already filed. The charge was framed on 13th May 2022. Thereafter, there is no progress in the trial. The trial is unlikely to conclude any time soon and is likely to take a

considerably long time. The present Applicant does not have any criminal antecedents.

8. Mr. Kalantri, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, therefore, the Applicant will reside outside the jurisdiction of Ghoti Police Station, District-Nashik and the Applicant will reside at C/o. Pramila Eknath Lote, A 95, Sant Kabir Nagar, Opposite Bela Petrol Pump, Nashik i.e. within the jurisdiction of Bhadrakali Police Station, Nashik.

9. The Applicant does not appear to be a flight risk.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. Hence, the following order:-

ORDER

- (a) The Applicant-Lalu @ Lalman Laxman Khade be released on bail in connection with C.R. No.115 of 2020 registered with the Ghoti Police Station, Dist. Nashik 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 area of Ghoti Police Station, District-Nashik after being released on bail except for reporting to the Investigating Officer, if called.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer while residing outside the jurisdiction of Ghoti Police Station, District-Nashik

and shall keep the same updated, in case there is any change.

- (d) The Applicant shall report to the Bhadrakali Police Station, District-Nashik once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of trial. The Police Inspector of Bhadrakali Police Station, District-Nashik 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 him from disclosing the facts to Court or any Police Officer.
- (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.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Application is disposed of.

[MADHAV J. JAMDAR, J.]