

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2635 OF 2024

Yuvraj Balawant Kamble, Age 33 years,
Occ.Businss, R/o.A/P.Kuditre,
Tal.Radhanagari, Dist.Kolhapur.
(Presently in Kolhapur District Prison) Applicant
versus
The State of Maharashtra Respondent

Mr.Satyavrat Joshi with Mr.Y.G.Fadtare, Sakshi S.Mane i/by
Ms.Reena Prajapati for Applicant.
Mr.Sameer M.Mangaonkar, APP, for State.
Mr.D.M.Rasal, HC, Juna Rajawada Police Station, present.

CORAM : ANIL S.KILOR, J.

DATE : 21st 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.634 of 2023 registered with Juna Rajawada Police Station, Kolhapur, for the offences punishable under Section 302 of the Indian Penal Code.

3. Having gone through the charge sheet and the material collected by Investigating Officer during investigation it is evident that the offence is not premeditated. It is evident that a quarrel took place between the Applicant and the deceased because of illicit relations of the Applicant with the wife of deceased. It has also come on record that the deceased used to give threats to the Applicant of

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dire consequences if he continues to have relations with the wife of deceased. On the date of incident both the Applicant and the deceased were on different motorcycles and there were exchange of hot words and thereafter the alleged incidence took place. It is to be noted that the Applicant himself went to the police station and reported the matter. The version of Applicant and the version of eye witnesses is similar that there was exchange of hot words and out of that the incidence took place.

4. In view of the above referred observations I am of the opinion that since charge sheet has been filed, further custody of the Applicant is not necessary as there is no possibility that the Applicant would not be available for trial. In the circumstances though learned APP is strongly opposing present application, the application is allowed.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.634 of 2023 registered with Juna Rajawada Police Station, Kolhapur, for the offences punishable under Section 302 of the 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 Juna Rajawada Police Station, Kolhapur, on 1st of every month between 10.00 am and 11.00 am till conclusion of trial, excluding on the date 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 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.)

MST