

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

**CRIMINAL BAIL APPLICATION NO. 3007 OF 2024**

Swapnil Vishwanath Kadale

...Applicant

**Vs.**

The State of Maharashtra

...Respondent

Mr. Anandmaya S. Dhorde, Advocate for Applicant.

Mr. P. P. Deokar, APP for State-Respondent.

**CORAM:- ANIL S. KILOR, J.**

**DATED:- 18<sup>th</sup> NOVEMBER, 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. 125 of 2023 registered with Wadner-Bhairav Police Station, Nashik, for the offences punishable under Sections 302, 504 and 506 of the Indian Penal Code, 1860.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during the investigation, it is evident that this is not a pre-meditated offence. Furthermore, nothing is there to show that there was any intention of the applicant to kill the deceased.

- 4) The complaint itself shows that the axe allegedly used by the applicant was in the hands of the deceased. The applicant had forcefully taken the same and gave a blow from the other side of the axe i.e. by the wooden handle of the axe.
- 5) The PM report shows two injuries namely contusions over the left parietal region and over left side of orbital region. It is not a case of the prosecution that the applicant gave repeated blows or assaulted the deceased after the alleged single blow.
- 6) In the circumstances, considering the fact that there is unlikelihood that the trial will be concluded in near future, coupled with the period of incarceration, I am of the opinion that the applicant is entitled for grant of bail.
- 7) The learned APP, however, strongly opposed the application on the ground that if he is released on bail, he is a resident of the same village where the witnesses reside and in that case, he may pressurise the witnesses.
- 8) Thereupon, the learned Counsel of the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition including not to enter into territorial jurisdiction of Wadner-Bhairav Police Station till the conclusion of the trial.

**ORDER**

- (i) The Bail Application is allowed;
- (ii) It is directed that the Applicant shall be released on bail in Crime No. 125 of 2023 registered with Wadner-Bhairav Police Station, Nashik, for the offences punishable under Sections 302, 504 and 506 of the Indian Penal Code, 1860, on furnishing P.R.

Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Wadner-Bhairav till the conclusion of the trial except on the date of trial;

iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1<sup>st</sup> and 16<sup>th</sup> day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;

v. 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;

vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

viii. Application stands disposed of, accordingly.

**[ANIL S. KILOR, J.]**