

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3073 OF 2024

Lakhan @ Hemant Dattatray Bhise ... Applicant
V/s.
State of Maharashtra ... Respondent

Mr. Aniket Nikam I.by Amit Icham, for the applicant.
Mr. Sameer Mangaonkar, APP, for the Respondent / State.

CORAM : ANIL S. KILOR, J.

DATE : 19TH SEPTEMBER, 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.66 of 2024, registered with Sahakarnagar Police Station, Pune City, for the offences punishable under Sections 302, 452, 504 r/w. 34 of the Indian Penal Code.
3. Having gone through the charge-sheet and the material collected by the IO during the investigation, it is evident that the alleged incidence took place on 24.02.2024 and intimation to the police was given on 1.03.2024 at 23.09 hours and on the same day the FIR was registered. There is no explanation given for such delay in the FIR.

4. If the allegations against the applicant are considered, it is alleged that he assaulted the deceased by fist and blows. From the statement of the informant, it is further evident that the deceased was found unconscious condition and it was also noticed that at the relevant time white coloured foam was coming out of his mouth. The postmortem report does not disclose the cause of death, as the opinion is reserved.

5. In the above referred backdrop, I am of the opinion that since the charge-sheet has been filed, the further custody of the applicant is not necessary.

6. The learned APP while strongly opposing the application expressed apprehension that the applicant may influence the witnesses or may tamper with the prosecution witnesses if he is released on bail. The said apprehension can be addressed by imposing the certain stringent conditions.

7. At this stage, the learned counsel, Mr. Nikam, for the applicant, on instructions, submits that the applicant is ready to abide by any conditions, including the condition not to enter into territorial jurisdiction of Pune City.

8. In the circumstances, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.66 of 2024, registered with Sahakarnagar

Police Station, Pune City, for the offences punishable under Sections 302, 452, 504 r/w. 34 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 not enter into the territorial jurisdiction of Pune City, till the conclusion of the trial;

iv) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st and 16th day of every month between 10.00a.m. to 11.00 a.m., 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 for cancellation of bail in case of any breach of condition if the applicant commenced similar offence;

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

9. The application is disposed of .

(ANIL S. KILOR, J)