

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3257 OF 2024

Dayanand Ashok Salve ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Rajesh More, Advocate for Applicant
Shri Sameer M. Mangaonkar, APP for the State.
API Lamkhade, Yerwada Police Station

CORAM : ANIL S. KILOR, J.
DATED : OCTOBER 15, 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.1853 of 2020, registered with Yerwada Police Station, District: Pune City for the offences punishable under Sections 302, 324 read with Section 34 of the Indian Penal Code.
3. Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during investigation, it is evident that the applicant inflicted a blow by stone on the head of the deceased. The statement of the informant shows that only one blow was given by the applicant on the head of the deceased

and from the post-mortem report also it is evident that 7 injuries were found on the person of the deceased out of which 6 were abrasions and one was lacerated injury. The death of the deceased was caused due to the head injury.

4. Thus, considering the statement of the informant, *prima-facie*, it appears that there was no such intention of the applicant to eliminate the deceased. Whereas, it appears from the said statement that since the deceased assaulted the applicant, he also expressed his wish to beat and assault the deceased. However, there is nothing to show that there was any such motive of the applicant to eliminate the deceased.
5. In the above referred backdrop, as the charge-sheet has been filed and further there was no complaint against the applicant during the Covid-19 period when he was released on bail as regards misuse of the liberty, I am of the opinion that though the learned APP is strongly opposing the present application, the application needs to be allowed. Furthermore, all the accused persons have been released on bail and since there is unlikelihood that the trial will be concluded in near future, I am of the opinion that the application needs to be allowed.
6. Accordingly, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.1853 of 2020, registered with

Yerwada Police Station, District: Pune City for the offences punishable under Sections 302, 324 read with Section 34 of the Indian Penal Code, on furnishing PR.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall attend the concerned Police Station on first and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., till conclusion of the 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 to apply for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)