

IN THE HIGH COURT OF JUDICATURE AT BOMBAYCRIMINAL APPELLATE JURISDICTIONCRIMINAL BAIL APPLICATION NO. 3393 OF 2024

Namdeo Mangalu Bhale ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Chetan H. Deshmukh, Advocate for Applicant

Mr Sameer M. Mangaonkar, APP for the State.

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 23, 2024.

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PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.I-42 of 2024, registered with Ghoti Police Station, District: Nashik Rural for the offences punishable under Sections 302 and 504 of the Indian Penal Code, 1860.
3. The applicant is a cousin of the deceased and a dispute arose out of the division of the agricultural fields. The allegation against the applicant is that in a quarrel he caught hold the neck of the deceased and pressed his throat. Nothing is there to point out

that there was any motive or intention of the applicant to kill the deceased, who is his cousin. There are no antecedents against the applicant. Thus, *prima-facie* in absence of any motive or intention, I am of the opinion that since the charge-sheet has been filed further custody of the applicant is not required.

4. However, at this stage, the learned APP, while opposing the application, submits that the applicant is resident of the same village where the witnesses reside and if the applicant is released on bail there is every likelihood that the applicant may pressurize the prosecution witnesses and in that event there will be no fair trial.
5. In reply, the learned counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition, including the condition not to enter into the territorial jurisdiction of Ghoti Police Station, District : Nashik.
6. In the aforesaid circumstances, 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.I-42 of 2024, registered with Ghoti Police Station, District: Nashik Rural for the offences punishable under Sections 302 and 504 of the Indian Penal Code, 1860, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall not enter the territorial jurisdiction of Ghoti Police Station, District : Nashik Rural till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station to the I.O., which he shall attend on first day of every month between 10:00 am and 11:00 am, till conclusion of the trial, except on the date of the 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 if the applicant commits similar offence or breaches any condition for grant of bail.
- vii) 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)