

IN THE HIGH COURT OF JUDICATURE AT BOMBAYCRIMINAL APPELLATE JURISDICTIONCRIMINAL BAIL APPLICATION NO. 3597 OF 2024

Kalu Kisan Korde ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Rahul Kasliwal a/w Sahil Jain, Mihir Kasliwal & Aditya Hire, Advocates for Applicant

Mr S.S.Chaudhari, APP for the State.

PC/2020/K.S. Baste, P.S. Ghoti, Nasik Rural.

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 17, 2024.

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1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.111 of 2024, registered with Ghoti Police Station, District: Nasik for the offences punishable under Sections 302, 307, 323, 504 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 was intoxicated when the incident took place. It further appears that there was no

intention or motive to kill the deceased. The incident is not premeditated and even the applicant was not carrying any weapon. It is evident from the statement of the witnesses that he picked up a stone lying on the spot of the incident and gave a blow on the head of the deceased and thereafter he ran away.

4. Thus, in the circumstances, as it appears from the statements of the witnesses that there was no intention of the applicant to kill the deceased, I am of the opinion that since the charge-sheet has been filed further custody of the applicant is not required.
5. The learned APP, however, strongly opposed the application and submits that though there are no antecedents against the applicant, however, there is every possibility that he may pressurize the prosecution witnesses since he is resident of the same village. Thereupon, the learned counsel for the applicant, on instructions, makes a statement that the applicant is ready to abide by any condition including not to enter into Taluka Tryambakeshwar, District : Nasik.
6. Considering the said apprehension, I am of the opinion that the same can be addressed by imposing certain stringent conditions.
7. 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.111 of 2024, registered with Ghoti Police Station, District: Nasik for the offences punishable under Sections 302, 307, 323, 504 of the Indian Penal Code, 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 Tryambakeshwar Taluka, District : Nasik 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 and sixteenth day of every month between 10:00 a.m. and 11:00 a.m., 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 Bail Application is **disposed of** accordingly.

(ANIL S. KILOR, J)