

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3632 of 2024

Vijay Sitaram Chikane, Age 44 yars,
Occ.Agriculturist, R/o.Waghere,
Tal.Igatpuri, District Nashik.
(Presently in Nashik Jail)

Applicant

versus

The State of Maharashtra

Respondent

WITH

INTERIM APPLICATION NO.4209 OF 2024

Prabhakar Kashinath Chikane

Intervention

versus

The State of Maharashtra

Respondent

Mr.Kuldeep U.Nikam with Mr.Om N.Latpate and Samadhan
H.Ghumane for Applicant in B.A.

Mr.Jyotiram S.Yadav, Advocate for Intervenor.

Mrs.S.M.Yadav, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 16th October 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.140 of 2024 registered with Ghoti Police Station, Nashik Rural, for the offences punishable under Sections 302, 504 of 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 there are eye witnesses to the alleged incidence. However, after going through the statements of eye witnesses it is further evident that offence is not premeditated. It had occurred at the spur of moment. It has come in the statement of eye witness that Applicant objected to the construction of water tank and thereupon, a quarrel took place between the Applicant and the deceased, who was an old lady of 72 years of age. It has also come in the statement of eye witness that Applicant gave a blow from the other side of spade i.e. from the side of handle of the spade. There is nothing to show that repeated blows were given by the Applicant. In the circumstances, prima facie, there was no intention of the Applicant to eliminate the deceased.

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

5. Learned APP and learned counsel for Intervenor are strongly opposing the application on the ground that Applicant has committed murder. However, I have already observed the contents of the statements of eye witnesses. Learned APP further argues that Applicant is resident of same village and therefore there is every possibility that he may pressurize the prosecution witnesses and tamper the prosecution evidence. Learned counsel for Applicant on instructions makes a statement that Applicant is ready to abide by any condition including not to enter into the territorial jurisdiction of Ghoti Police Station, District Nashik. The statement is accepted.

6. Accordingly, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.140 of 2024 registered with Ghoti Police Station, Nashik Rural, for the offences punishable under Sections 302, 504 of 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 territorial jurisdiction of Ghoti Police Station, Taluka Igatpuri, District Nashik, till conclusion of trial, except for trial;
- (iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 10.00 a.m and 12.00 noon till conclusion of 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 for cancellation of bail if the applicant breaches any condition or misuses the liberty or 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.

(ANIL S.KILOR, J.)

MST