



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (BA) NO.379 OF 2024**  
(Kamlakar s/o Sahebrao Charpe Vs. State of Maharashtra)

Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

Mr. T.U. Tathod, Advocate for the applicant.  
Mr. S.S. Hulke, APP for the State.

**CORAM:- URMILA JOSHI-PHALKE, J.**

**DATED :- JUNE 19, 2024.**

By preferring this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure. The applicant came to be arrested on 16/08/2023 in connection with Crime No.402/2023 registered with Police Station Chandur Railway, District Amravati for the offence punishable under Section 302, 143, 147, 148 read with Section 149 of the Indian Penal Code.

2. The accusation against the applicant is on the basis of report lodged by son of the deceased namely Ujwal Ramesh Meshram alleging that on 14/08/2023, the father of the complainant had gone to Crusher by informing that he will return after some time but he did not returned therefore, on the next day at about 11.00 a.m. in the morning, the complainant went to see his father and seen his dead body in the agricultural field. He saw that his father was lying in the pool of blood. On the basis of said report, police have registered the crime against the unknown person. During investigation, the

investigating officer has arrested the present applicant on the basis of the investigation carried out by him from which it reveals that there was continuous communication between the present applicant and the other co-accused. After due investigation, the charge-sheet is filed against the present applicant. Learned Counsel for the applicant submitted that besides the CDR report showing the telephonic call between the present applicant and other co-accused there is no other material to connect the present applicant with the alleged offence. He further submitted that the entire case is based on the circumstantial evidence but the only circumstance which according to the prosecution connect the present applicant is the telephonic communication. The co-accused is released on bail by this Court against whom the similar type of evidence was available. Thus, on the ground of parity also the present applicant is entitled to be released on bail. He further submitted that as now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that considering the gravity of the offence and the entire case is based on the circumstantial evidence, one of the material circumstance on which the prosecution relied upon that there was continuous telephonic communication between the present applicant and other co-accused is to be taken

into consideration which shows the involvement of the present applicant. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

- (i) The application is allowed.
- (ii) The applicant – Kamlakar s/o Sahebrao Charpe in connection with Crime No.402/2023 registered with Police Station Chandur Railway, District Amravati for the offence punishable under Section 302, 143, 147, 148 read with Section 149 of the Indian Penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- (iii) The applicant shall not leave the jurisdiction of the Nagpur district without prior permission of the District Court.
- (iv) The applicant shall furnish his Cell phone number and address along with the names and address of his two relatives with address proof.
- (v) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

4. The application stands disposed of.

**(URMILA JOSHI-PHALKE, J.)**