



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 40 OF 2025

Sachin Sudam Kamble,
Age : 24 years, Occu. : Labour,
R/o. Peth Pimpalgaon, Tq. Paithan,
Dist. Parbhani.

... Applicant

Versus

The State of Maharashtra
Through Police Station Palam,
Tq. Palam, Dist. Parbhani.

... Respondent.

.....
Mr. Anil U. Pawar, Advocate for Applicant.
Mr. C. V. Bhadane, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 MARCH 2025

PRONOUNCED ON : 20 MARCH 2025

ORDER :

1. Present applicant seeks regular bail on account of his arrest in Crime No.0233 of 2024 registered at Palam Police Station, District Parbhani for the offences punishable under sections 103(1), 118(1), 115(2), 189(2), 189(3), 191(2) and 190 of the Bharatiya Nyaya Sanhita.

2. Pointing to the date of arrest as 20.07.2024, it is submitted that, only allegation is that applicant hit stone. That, occurrence was not premeditated nor there was any motive. It was

sudden occurrence. That, there was no previous enmity. That, all other co-accused are released and only one is absconding. According to learned counsel, investigation is over and charge sheet is filed on 17.10.2024 itself. Therefore, when no further recovery or discovery is to be made, learned counsel seeks grant of bail on any conditions deemed fit by this court.

3. While opposing bail application, learned APP pointed out that, there are five direct eye witnesses. That, applicant has lifted 15 to 20 kg stone and hit it on the vital part i.e. on the head of Rustum causing his death. Learned APP pointed out that, one accused is still absconding. Therefore, there being serious offence, he opposes bail application. Moreover, he submitted that case is committed and next date is 25.03.2025 for framing charge and for same reason also, he prays to reject the application.

4. Perused the FIR dated 18.07.2024. Informant Shivaji Thombre reported that, on 17.07.2024, Moharam was observed in their village. That time, Sunil Sudam Kamble picked up quarrel for no reason and on being questioned on that count, it is alleged that, Sunil snatched battery and hit it on the head of the informant and threw it away. That, his cousin brother Rustum questioned Sunil on that count, after which Sunil Kamble gave fist and kick blows to the

Rustum and dragged him to his house. Thereafter again Sudam Kambale, Vijay Kambale and Babasaheb Kambale further gave fist and kick blows to Rustum. That, some ladies threw chilly powder in his eyes. After which, Sachin Sudam Kamble climbed on the tin roof, picked up stone and hit it on the head of deceased Rustum. On being taken to the hospital, he was examined and declared dead. Therefore, as submitted occurrence is not sudden. Previous and main overt act is attributed to the present applicant. There was previous incident, which was only comprising of giving fist and kicks blows. Furthermore, as submitted by learned APP, now matter is posted for charge and next date is 25.03.2025.

5. Considering the above nature of allegations and above subsequent developments suggesting matter itself going for trial, this court does not find it a fit case to grant relief.

6. The application stands rejected.

(ABHAY S. WAGHWASE, J.)