



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2135 OF 2024
WITH
CRIMINAL APPLICATION NO. 4682 OF 2024

1. Shrikant S/o. Santosh Kalambe,
Age : 25 years, Occu. : Student,
2. Harshad S/o. Santosh Kalambe,
Age : 23 years, Occu. : Student,

Both R/o. Dahipuri, Tq. Ambad,
Dist. Jalna
(At present the applicant is in
Central Prison, Beed)

... Applicants

Versus

The State of Maharashtra,
Through Police Station Officer,
Police Station Chaklamba,
Dist. Beed.

... Respondent

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Mr. Mahesh P. Kale, Advocate for Applicants.
Mr. N. D. Batule, APP for Respondent – State.
Mr. Bhaskar L. Das, Advocate for Applicant (Asstt. to APP) in
APPLN/4682/2024

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 20 JANUARY, 2025

PRONOUNCED ON : 21 JANUARY, 2025

ORDER :

1. Present application is for seeking enlargement on regular bail of the applicants on account of their arrest in Crime No. 0204 of 2024 registered at Chaklamba Police Station, District

Beed for the offence punishable under sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Criminal Application No.4682 of 2024 filed by informant for intervention seeking permission to assist the public prosecution is allowed.

3. In support of relief, learned counsel for the applicants pointed out that, these applicants are students and they are taking education. That, no specific role or overt act is attributed to either of them and they are named for being present with the main accused Rajendra against whom there are primary allegations of assaulting by stick and recovery is also effected through him. It is pointed out that, occurrence is of 14.07.2024. It is pointed out that allegation is of committing murder, but death is attributed due to acute renal failure, however, there are no corresponding injury to such part of the body. That, there is no eye witness. That, now investigation is over and charge-sheet is also filed. That, no recovery is to be effected. For above reasons, as applicants are behind bars since more than 4 months, relief of bail is urged for.

4. While opposing the bail application, learned APP pointed out that, serious crime i.e. murder of informant's mother,

is committed. That, deceased suffered as many as 17 injuries and in column no.17 of post mortem report reflects the same. That, both applicants are named in the FIR and hence for above reasons, bail application is opposed.

5. After hearing the submissions and on going through the FIR and papers, it seems that, law is set into motion by one Sandeep Kokate, a medical practitioner. Substance is that, on 14.07.2024, he received phone call from his father that his wife Pratiksha consumed poison and therefore she was taken to the hospital at Beed. He has alleged that his wife was declared dead and information to that extent passed to the in-laws through phone call, but as there was no response, phone call was said to be made to husband of paternal aunt of deceased wife and to further convey it to in-laws. He further reported that, after short time, Santosh Vitthal Kalamble, present applicant no.1-Shrikant Santosh Kalambe, present applicant no.2 - Harshad Santosh Kalambe and Rajendra Kalambe visited the hospital and committed ruckus and threatened to take revenge by committing murder. Informant claims that, out of fright, he kept his father in one room. Around midnight, he claims to have seen above persons travelling in a Bolero vehicle. In the Midnight, he telephoned his mother Kuntabai informing that he is staying with his father at Beed and to not to

worry. In the morning, when the call was given to his mother, there was no response and therefore he asked one Narayan Atmaram More to visit her house and to verify and said person allegedly reported that room was bolted from inside and there was no response. So the said person peeped from window and noticed mother and sister, both lying unconscious. That, later on, sister regained consciousness. With the help of his brother-in-law Badrinayaran, his mother was taken to hospital, but mother was declared dead. Hence, the above report.

6. Perused the papers. As pointed out, cause of death of Kuntabai is opined by autopsy surgeon due to acute renal failure due to multiple contusions. As pointed out by learned APP, there are several contusion injuries noted by autopsy surgeon in column no.17. Learned APP conceded that there is recovery of only one stick and that too at the instance of Rajendra i.e. under section 185 of BNS Act. Apparently, informant has merely claimed seeing four persons including both applicants traveling in a vehicle on the night of 14.07.2024. Alleged incidence has come to light in the morning of 15.07.2024. Who amongst the four named in the FIR, who allegedly came to the hospital at Beed and indulged in ruckus and specifically issued life threats of taking revenge, has not been clarified. Consequently, as now charge-sheet is said to be filed.

Considering the submission that applicants have no concerned with family and domestic affairs of informant and deceased wife of informant and applicants being spotted in the company of Rajendra and no overt act attributed to either of them, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:-

ORDER

- (i) Application is allowed.
- (ii) Applicants, namely, Shrikant S/o. Santosh Kalambe and Harshad S/o. Santosh Kalambe be released on bail in connection with Crime No.204 of 2024 registered with Chaklamba Police Station, District Beed on executing P.B. of Rs.15,000/- each with one surety each in the like amount.
- (iii) Applicants shall not tamper prosecution evidence.
- (iv) Applicants shall not enter in the vicinity of Jodwadi village, Tq. Georai, Dist. Beed till conclusion of the trial.
- (v) Criminal Application No. 4682 of 2024 is disposed off.

(ABHAY S. WAGHWASE, J.)