



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 2264 OF 2024

Rajendra S/o Asaram Kalambe
Age : 39 years, Occu. : Labour,
R/o Dahipuri, Post-Ambad,
Taluka-Ambad, District -Jalna

... Applicant
(Orig. Accused No.4)

Versus

The State of Maharashtra

... Respondent

.....
Mr. Ravindra Madhavrao Deshmukh, Advocate for Applicant
Mr. V. M. Jaware, APP for Respondent – State.
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 28 JANUARY, 2025

PRONOUNCED ON : 30 JANUARY, 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of 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. It is pointed out that in above crime, which is registered on 16-07-2024, present applicant is arrested on 18-09-2024 and now, chargesheet is filed on 11-10-2024. Learned counsel for applicant pointed out that in all four accused were booked, but this Court

has granted relief to two of the accused. That, case is based on circumstantial evidence. That, present FIR is counter blast to FIR lodged one day earlier. That, there are allegations of issuing threats and subsequently, assaulting by means of stick. Learned counsel pointed out that though four persons are made accused, there is recovery of only one stick. He further pointed out that, statement was made by the learned APP in previous Bail Application wherein two accused are granted bail, that recovery is at the instance of present applicant. However, infact recovery is from the vehicle and present applicant is implicated only on the statement of driver of vehicle. That, now chargesheet is filed in October, 2024. That, no further recovery or discovery is to be made and for above reasons, learned counsel seeks grant of bail.

3. While opposing the application, learned APP pointed out that deceased died due to multiple injuries. That, in post mortem report as many as 17 injuries are noticed on the body of deceased. That papers show that one day prior to the incident, threat was issued and it was duly executed by assaulting deceased. He again pointed out that there is eye witness account stating that present applicant was the main assailant. That, there was statement of driver of the vehicle about recovery of stick at applicant's instance and for above reasons, objection to the grant of bail.

4. After hearing both the sides and on going through the FIR dated 16-07-2024 at the instance of Sandip Sakharam Kokate, it is emerging that on 14-07-2024, while he was in his hospital, he received a phone call that his wife has consumed poison and that she is vomiting, so he returned home and she was taken to hospital, however, she was declared dead. Then, he stated that it was attempted to report family members of his wife and shortly thereafter, family members from his in-law side i.e. Santosh Vitthal Kalambe, Shrikant Santosh Kalambe, Harshad Santosh Kalambe and present applicant Rajendra Asaram Kalambe, all residents of Dahipuri, Tq.Ambad, District Jalna came to the hospital and declared that revenge of death of Pratiksha would be taken by death itself. Accordingly, on 15-07-2024, informant learnt that his mother, who was with his sister, did not respond to the phone call and was lying unconscious. On being taken to the hospital, she reported dead and hence, after last rituals, above FIR has been lodged.

Statement of applicant's sister namely Ushabai, who was in the company of deceased Kuntabai, is also recorded on 16-07-2024 wherein she gave statement that in the night of 15-07-2024, four persons, who were family members of her sister-in-law Pratiksha, came questioning about Komal i.e. daughter of Pratiksha and when those persons were told that she was sleeping with deceased Kuntabai, said persons went there and beat her mother. *Prima facie* in the statement of Ushabai, she has

not stated about use of any stick and she has attributed beating to all four accused named by her.

5. This Court, by order dated 21-01-2025, has granted bail to two of the accused. Statement is made across the bar that there are cross FIRs. Now investigation is over. Out of four accused, two are already beneficiary of bail. Chargesheet is reported to be filed on 11-10-2024. Initially, in previous Bail Application, statement was made by learned APP that role of use of stick was attributed to present applicant and therefore, this Court had made reference to that extent in earlier Bail Application bearing no.2135 of 2024, which was disposed of on 21-01-2025. Now, after going through the statement of Prakash Pathade, who is the Driver of vehicle, from whose vehicle there is alleged recovery of stick, it is seen that police machinery has seized stick during such search of the vehicle on 22-07-2024 i.e. almost after eight days of the occurrence. Even otherwise, now stick is already said to be seized. Taking above material into consideration and when further nothing is shown to be recovered or discovered, relief deserves to be granted by imposing strict conditions. Accordingly, I proceed to pass the following order:-

ORDER

- (i) Application is allowed.

(ii) Applicant Rajendra S/o Asaram Kalambe be released on bail in connection with Crime No.0204 of 2024 registered with Chaklamba Police Station, District Beed on executing P.B. of Rs.15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper prosecution evidence.

(iv) Applicant shall not enter in the vicinity of Jodwadi village, Tq. Georai, Dist. Beed, till conclusion of the trial.

(ABHAY S. WAGHWASE, J.)