

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.2414 OF 2024

HARISH
VITHAL
CHAUDHARI

Datta Babaso Bajbale	Applicant
Vs	
The State Of Maharashtra And Anr.	Respondents

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Adv. Saklen M. Mujawar for the Applicant.
Mr. S. S. Chaudhari, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd SEPTEMBER, 2025

P.C.:

1. By this application, the applicant is seeking regular bail in C.R.No. 348 of 2023 registered with Kavathemahankal Police Station, Dist- Sangli for the offences punishable under Section 307 and 302 of the Indian Penal Code, 1860.
2. It is the prosecutions case that on 24th September, 2023 at 5.30 p.m. when the deceased was working in the house of the applicant, the applicant assaulted the deceased with spade on his head. The said incident happened in the presence of the first informant (brother of the deceased).

3. It is the contention of learned counsel for the applicant that the applicant is behind bar around two years. There is no antecedents against the applicant. There is no progress in trial. The incident happened in sudden provocation. It was not an intentional murder. Hence, he requested to allow the application.

4. It is the contention of the learned APP that the applicant assaulted the deceased with spade on his head with intention to kill him. It was pre planned murder. If the applicant is released on bail, he may abscond or threaten the prosecution witnesses. Hence, he requested to reject the application.

5. I have heard both learned counsel. Perused the FIR and documents produced on record. The allegations against the applicant is that he assaulted the deceased with spade on his head. Whether the said act was sudden provocation or intentional is a part of trial. The applicant behind bars around two years. There is no progress in the trial. At the time of incident, the applicant was 25 years old. There is no antecedents against the applicant. Considering the above facts, further detention of the applicant is not required.

6. In view of above, I pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail in C.R.No. 348 of 2023 registered with Kavathemahankal Police Station, Dist: Sangli, on executing P. R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the trial court proceeding regularly.
- (iv) The applicant shall attend the concerned police station as and when required.
- (v) The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]