



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No. 608 of 2024

Bhaskar @ Umesh Deochand Kawle

Versus

The State of Maharashtra through Police Station Officer, Police Station
Salekasa, District Gondia

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

Court's or Judge's Order

Shri R.M.Daga, Advocate for the applicant.

Shri A.G.Mate, APP for the non-applicant/State.

CORAM : G.A.SANAP, J.

DATED : 8th JANUARY, 2025.

Heard.

2. This is an application for bail by accused in Crime No. 412 of 2023 registered at Salekasa Police Station, District Gondia for the offence punishable under Section 302 of the Indian Penal Code.

3. Learned advocate for the applicant/accused submitted that the accused was arrested on 15th November, 2023. Charge-sheet was filed in January, 2024. It is pointed out that yet charge has not been framed. It is also pointed out that the Chemical Analysis report has not been produced before the trial Court. It is

submitted that considering the nature of the allegations against the accused and the fact that there was no motive for commission of a crime, further incarceration of the accused is not necessary. The accused is ready to abide the conditions that may be imposed by the Court. The accused has no criminal antecedents. It is pointed out that the deceased was drunk when the incident occurred. Initially, the father had reported to the police that due to drinking of excess liquor, his son has died.

4. Learned Additional Public Prosecutor submitted that there is evidence on record to show that the accused beat the deceased. Learned Additional Public Prosecutor took me through the statements of the witnesses, where the witnesses have stated that the accused knocked the deceased down on the tar road and sat on his chest. The accused caught hold the neck of the deceased and banged his head on the tar road. It is submitted that cause of death is head injury. There is a direct evidence. The defence of the accused that he had no intention to commit the murder, may not be given any weightage at this stage.

5. I have gone through the record and the proceedings. In the report, it is stated that by the father of the deceased, that the father of the accused and deceased had drunk liquor together. They were

proceedings on the motor-cycle. The mother of the accused stopped them and questioned the deceased as to why he offered liquor to her husband. The quarrel ensued between deceased and the mother of the accused. It is stated in the report that the deceased slapped the mother of the accused twice. Mother of the accused, therefore, made a phone call to the accused and informed him about the assault on her by the deceased. It is stated that thereafter accused came to village and offered the liquor to the deceased. Thereafter, the quarrel took place between the deceased and the accused. In the said quarrel, the accused knocked the deceased down on the tar road and banged his head on road.

6. Investigation in the matter is over. The matter is pending after filing of the charge-sheet from January, 2024 for framing of the charge. Chemical Analysis report has not been received. The accused has no criminal antecedents. There was no enmity between the accused and the deceased. The cause of the quarrel was so-called assault by the deceased on the mother of the accused, when mother of the deceased questioned the deceased as to why he forced her husband to consume the liquor. It has come on the record that when the incident occurred, the deceased was in a

drunken condition. The deceased had sustained injury to the occipital region. There was no fracture.

7. In my view considering the nature of allegations against the accused as well as the fact that initially the report of accidental death was lodged by the father of the deceased, it would not be desirable to keep the accused behind bars. The nature of the crime and the motive for the crime are required to be borne in mind. Accused has no criminal antecedents. The act was not premeditated.

8. In view of this matter, I conclude that this is a fit case for grant of bail to the accused. As far as the apprehension put forth by the learned Additional Public Prosecutor is concerned that can be taken care of by imposing appropriate conditions. Hence, the following order. Accordingly,

- i) Criminal application is allowed.
- ii) **Applicant - Bhaskar @ Umesh Deochand Kawle** be released on bail in Crime No. 412 of 2023 registered at Salekasa Police Station, District Gondia for the offence punishable under Section 302 of the Indian Penal Code, on his furnishing P.R.Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount.

iii) The applicant shall not directly or indirectly make any inducement or promise to any witness in any manner.

iv) The applicant shall not tamper with the prosecution evidence.

v) The applicant shall not pressurize or threaten the prosecution witnesses.

9. The Criminal Application stands disposed of accordingly.

[G.A.SANAP, J.]