

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 442 OF 2015

SHIVAJI MALLIKARJUN TONDCHIRE & ORS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Chatterji Joydeep
APP for Respondent: Mrs. M. A. Deshpande.

CORAM: T. V. NALAWADE, J.
DATED: 10th FEBRUARY, 2015.

PER COURT:

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.
2. The crime is registered on the basis of report given by father of the deceased. The deceased was aged about 13 years. The incident in question took place on 26th November, 2014. Allegations are made that the deceased had gone to Shiwaji Tondchire to question him as to whey he had plucked mangoes from the trees of the land which was cultivated by the family of the deceased. Allegations are made that all the applicants

assaulted with kicks and fist blows to the deceased and the father of the deceased was required to intervene in the incident to separate the quarrel. Allegations are made that when the father was taking the deceased with him to home, the 4 applicants again rushed towards deceased and by pushing him against a wall they caused severe beating to him on his chest, abdomen, neck and back. When deceased reached home, he started complaining of chest pain and back pain. He was shifted to hospital where he became unconscious. When they took him to other hospital, doctors from that hospital declared him dead. Report came to be given on 27th November, 2014.

3. The PM report shows that there were two surface wound on the dead body viz. (i) Contusion on Lt. elbow joint 1/1 cm., (ii) Contusion on Lt. Lateral Lower Side of Mid Axillary Line Lt. Hypochondrium 4-1/2 cm. at 2/3 places. It shows that there were some injuries to the internal organ like heart infacted patch on interior wall on left ventricle. Doctor could not form opinion as to the cause of death and so organs were preserved for Histopathological examination. That report is not received. Learned A.P.P. brought to the notice of this

Court supplementary statement of the complainant wherein he had made specific allegations, applicant No.1 Shivaji used metal Panch on chest when he was assaulted the deceased.

4. During argument, learned counsel for the Applicant No.1 submitted that, on instructions, he wants to withdraw the application of Applicant No.1.

5. In view of the nature of allegations against Applicant Nos.2 to 4, it is not desirable to keep them behind bars till the disposal of the case.

6. In the result, the application of applicant Nos.2 to 4 [Chandrakant Tondchire, Suryakant Tondchire and Mallikarjun Tondhire] is allowed. They are to be released on their furnishing P.R. and S.B. of Rs.15,000/- by each of them. They are not to tamper with the prosecution witnesses. They are not to commit similar offence.

7. The application of Applicant No.1 Shivaji is disposed of as withdrawn with liberty to file fresh application after receipt of Histopathological examination.

[T. V. NALAWADE, J.]

Dt.10/02/2015
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