

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

CRIMINAL APPLICATION NO. 2349 OF 2015

Syed Mansur s/o Syed Munir

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. Zia-Ul-Mustafa, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 25th JUNE, 2015

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PER COURT :

1. This is an application for bail since the present applicant is arrested in connection with Crime No. 172/2014 registered with Police Station Jinsi, Aurangabad Dist. Aurangabad for the offences punishable u/s 302,323 read with 34 of the Indian Penal Code.

2. Heard Mr. Zia-Ul-Mustafa, learned Counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for the respondent – State.

3. Investigating agency has already completed entire investigation and charge sheet is filed. Name of deceased is Sachin Basaiye. F.I.R. is lodged by Santosh Basaiye, who is brother of the deceased. F.I.R. would reveal that two persons have given fist blows on the chest and abdomen of the deceased. Though the name of the present applicant is not mentioned in the F.I.R., during the course of investigation it is revealed that the present applicant has given fist blows. Postmortem report shows that the cause of death is due to "Asphyxia due to aspiration of food material up to lungs with evidence of abrasion over neck ". Column No. 17 of the postmortem report shows that there are three injuries in the nature of abrasions. Since the F.I.R. shows that the present applicant has assaulted only by means of fist blows, investigation is already over and charge sheet is filed, further custodial presence of the applicant is not warranted. That leads me to pass the following order.

- (i) Present Criminal Application is allowed.
- (ii) Applicant Syed Mansur s/o Syed Munir be released on bail in connection with Crime No. 172/2014 registered with Police Station Jinsi, Aurangabad Dist. Aurangabad for the offences punishable u/s 302,323 read with 34 of the Indian Penal Code on he executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with one solvent surety of like amount. Bail before the trial Court.

- (iii) Present applicant shall attend Police Station Jinsi once in a fortnight, preferably on every Sunday in between 2.00 p.m. - 5.00 p.m. till the Charge is framed by the trial court.
- (iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]