

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 3761 OF 2015.

RAMESH S/O VENKATI KADAM.

VERSUS

THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Dhananjay M. Shinde, Advocate for Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 31st July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No. 01/2015 registered with Police Station, Kinwat, District – Nanded for the offences punishable under Section/s. 302, 452, 147, 148 and 149 of the Indian Penal Code.

[2] Heard Mr. Dhananjay M. Shinde, learned counsel for Applicant and Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

[3] Investigating agency has already completed the investigation and charge sheet is already filed before the court of law. Present Applicant is accused No.1. All the accused persons are already

released on bail by the trial court. First Information Report is lodged by Nandabai w/o Balaji Pawar, who is daughter-in-law of Gangaram Pawar. Present Applicant is neighbour of first informant. There was dispute between these two families on the count of keeping of charcoal. On the date of incident i.e. on 1st January, 2015 dispute arose on the ground of removal of charcoal and in that, the accused persons assaulted Gangaram. According to the specific allegations made in the First Information Report, present Applicant gave kick and fist blows on the stomach of Gangaram and also on his private part. Post mortem report shows no injury on the private part of Gangaram. However, his Kidney is ruptured. Probable cause of death is due to “Cardiorespiratory arrest secondary to injury of Rt.Kidney laceration leading to hemorrhage shock.”

[4] Looking to the fact that dispute arose in sudden quarrel, further looking to the role attributed, it is clear that it was never intention on the part of the present Applicant to finish the Gangaram Pawar. At least prima facie, there is chance of scaling down the offence, for which the Applicant is charged.

[5] Investigation is already over. Charge sheet is already filed. This is a fit case, wherein discretion can be exercised. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - RAMESH S/O VENKATI KADAM shall be released on regular bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Fifty Thousand.] with two solvent sureties in the like amount, in connection with CR No. 01/2015 registered with Police Station, Kinwat, District – Nanded for the offences punishable under Section/s. 302, 452, 147, 148 and 149 of the Indian Penal Code.
- (iii) Bail before trial court.
- (iv) The Applicant shall attend Police Station, Kinwat, District – Nanded twice in a week, preferably on every Sunday and Thursday, between 3.00 p.m. to 5.00 p.m., till charge is framed.
- (v) After charge is framed, the Applicant shall attend the said Police Station once in a fortnight, preferably on every Sunday between 3.00 p.m. to 5.00 p.m., till trial is over.
- (vi) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)