

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

CRIMINAL APPLICATION NO. 5564 OF 2015

1. Shrimant Sampatrao Lokhande,
Age : 70 years, Occupation : Agriculture.
2. Kalabai Shrimant Lokhande,
Age ; 68 years, Occupation : Agriculture.
3. Vandana Mangal Lokhande,
Age : 30 years, Occupation : Agriculture.
4. Ashabai Nivrutti Lokhande,
Age : 27 years, Occupation : Agriculture.

All R/o. Barnjala Lokhande,
Tq. Bhokardan, Dist. Jalna.

... Applicants

VERSUS

The State of Maharashtra.

... Respondent

.....
Mr Joydeep Chatterji, Advocate for the applicants
Mr N. T. Bhagat, APP for respondent/State
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CORAM : **N. W. SAMBRE, J.**
DATE : 30TH OCTOBER, 2015.

PER COURT:

. The applicants herein are seeking regular bail in Crime No. 137 of 2015 registered at Bhokardan Police Station, Dist. Jalna for the offences punishable under Sections 302, 341, 337, 143, 147, 148, 149, 323, 506 of the Indian Penal Code and Section 135 of the Bombay Police Act.

2. Applicant No. 1 is arrested on 4th September, 2015 whereas; respondent No. 2 came to be arrested on 10th September, 2015.

3. While trying to make out case for regular bail, learned Counsel for the applicants would urge that after the custodial interrogation, from the investigation papers it could be inferred that the only role attributed to the applicants in commission of the crime is use of sticks, fist blows and stone in commission of offence in question. According to learned Counsel, same cannot be termed as weapon used for causing the death of the victim.

4. While opposing the application for regular bail, learned APP submits that, as the offence is serious and the investigation is in progress, the applicants be not released on bail.

5. Upon perusal of investigation papers, it is noticed that the cause of death of the victim is “terminal cardio respiratory arrest due to hemorrhagic shock due to head injury”. The FIR and the other papers reflect that the accused – Nivrutti by means of axe gave blow to the victim whereas; role attributed to applicant No. 2 is of use of fist blows,

sticks and stone for commission of offence. In my opinion, having regard to the age of applicants Nos. 1 and 2 and the fact that the allegations against applicants No. 3 and 4 are in relation to use of stone in commission of crime in question, it will be appropriate to grant bail to the applicants.

6. The applicants Shrimant Sampatrao Lokhande, Kalabai Shrimant Lokhande, Vandana Mangal Lokhande and Ashabai Nivrutti Lokhande be released on bail in connection with Crime No. 137 of 2015 registered at Bhokardan Police Station, Dist. Jalna for the offences punishable under Sections 302, 341, 337, 143, 147, 148, 149, 323, 506 of the Indian Penal Code and Section 135 of the Bombay Police Act, upon furnishing PR bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount by each of them.

7. Criminal Application stands allowed in above terms.

[N. W. SAMBRE, J.]

sgp