

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

Criminal Application No.6492 of 2014

Dadarao Bapurao Thore. **.. Applicant.**

Versus

The State of Maharashtra. **.. Respondent.**

Shri. Santosh S. Jadhavar, Advocate, for applicant.

Shri. A.V. Deshmukh, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 9th JANUARY 2015

ORDER:

1) The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2) Charge-sheet is filed against the present applicant and other accused for offences punishable under sections 302, 307, 34 etc of the Indian Penal Code. Crime is registered on the basis of report given by the wife of the

deceased Pandurang. The family of the applicant and the family of the deceased have dispute over agricultural land and a civil suit is also filed in respect of that dispute. The incident in question took place on 8-8-2014 at 9.00 a.m. the deceased was proceeding to other village. The accused were standing at a distance. The applicant came to the deceased and picked up quarrel and they started assaulting the deceased by using iron bars on the limbs. When the complainant and the sister of the deceased tried to intervene they were also assaulted. It is the case of the complainant that she also sustained fracture injury in the incident. Pandurang died on the same day when he was under treatment in Government Hospital Parbhani.

3) Post mortem report shows that there were injuries caused to all the four limbs. In addition to those injuries there were multiple abrasions and CLWs. Thus so many blows were given on the person of the deceased and the death is caused due to terminal cardio respiratory arrest due to haemorrhagic shock due to multiple injuries and fractures. There are injury certificates in respect of aforesaid three injured showing that on the same day

they sustained injuries and each had sustained more than two injuries in the incident. There are statements of other eye witnesses also.

4) The aforesaid material is on motive and there is also direct evidence. Learned counsel for the applicant submitted that no blow was given on the head and so there was no intention to murder. This submission is not acceptable at least at this stage. In view of aforesaid nature of injuries, it can be said that even at this stage the injuries were sufficient in ordinary course to cause death and so homicidal falls under the category of murder.

5) In view of the aforesaid nature of dispute and the courage shown by the applicant to assault in a broad day light this Court holds that it is not a fit case to grant bail. The application rejected. the observations made are for the purpose of present proceeding only.

Sd/-
(T.V. NALAWADE, J.)

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