

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

CRIMINAL APPLICATION NO. 6266 OF 2015

Gulab s/o Chagan Rathod APPLICANT

V E R S U S

The State of Maharashtra RESPONDENT

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Mr. P.K.Palve, Advocate for Applicant.

Mr. S.P.Sonpawle, A.P.P. for Resp. - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 17th DECEMBER, 2015

ORAL ORDER :-

. Here is an application for regular bail in Crime No. I-75/2015 registered at Daulatabad police station, district Aurangabad for the offences punishable u/ss 302,324,504,506,148,149 of the Indian Penal Code.

2. Heard Mr. P.K.Palve, learned counsel for applicant and Mr. S.P.Sonpawle, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. Complainant Raju Chagan Rathod is real brother of applicant. It is alleged in F.I.R. that on 04/10/2015 at around 7.30 p.m. applicant and other

brothers had been to the house of complainant and raised a quarrel as their electricity was disconnected by complainant and another brother Kailash. It is alleged that in the scuffle Chagan Meherban Rathod, father of applicant and complainant was assaulted by applicant with a wooden log on his head. Chagan sustained grievous injury. He was admitted to Ghati hospital. At around 9.00 p.m. Chagan was declared as dead.

4. It appears from F.I.R. and connecting papers thereto that dispute arose between applicant, other brothers and father on account of payment of electricity charges which were due since about one year. As complainant had disconnected electric supply of the applicant and others incident occurred in which applicant delivered a blow with wooden log on the head of father, resulting to his death.

5. Learned A.P.P. resisted the application on the ground that applicant is residing in adjoining house and in case he is released on bail he may tamper with the prosecution evidence. The apprehension expressed by learned A.P.P. can be taken care of by imposing suitable condition.

6. Considering the allegations in F.I.R., manner of incident and parties being closely related this Court is inclined to allow the application. Hence, the following order.

ORDER

- (i) Criminal Application No. 6266 of 2015 is allowed.
- (ii) Applicant Gulab s/o Chagan Rathod is released on bail in Crime No. I-75/2015 registered at Daulatabad police station, district Aurangabad for the offences punishable u/ss 302,324,504,506,148,149 of the Indian Penal Code on P.R. and S.B. of ₹ 25,000/- [Rupees Twenty Five Thousand] each.
- (iii) Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required.
- (iv) Till the filing of charge sheet, applicant shall keep himself away from the jurisdiction of Daulatabad police station, district Aurangabad.
- (v) Bail before the trial Court.
- (vi) Parties to act upon authenticated copy of this order.

**[INDIRA K. JAIN]
JUDGE**

