

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6937 OF 2014

Krishna @ Bhaiya Vikram Sonwane**Applicant.**

Versus

The State of Maharashtra**Respondent.**

Mr. V.D. Sapkal, Advocate for applicant.

Mr. N.B. Patil, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 20th January, 2015.

ORDER :

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

2. The crime is registered on the basis of report given by mother of deceased, Smt. Ratnabai. She gave report on 26.6.2014. Her son Nikesh died in the hospital on 21.6.2014. She has made allegations that deceased had disclosed to her that Lalit Sonawane and Bhaiya Sonawane had assaulted him in the house of Aba Baviskar and also in school and near Walmi statue and also near railway track. She has made allegations that when her son was disclosing the incident, present applicant and other

persons like Aba Baviskar, Lalit Koli entered the house and they again gave beating to the deceased in her presence. It is her case that the deceased had advised her not to approach police as according to the deceased Aba Baviskar was a dangerous person and was of revengeful attitude. It is her case that Aba Baviskar promised to give treatment to injured and so, she did not approach the police. Nikesh was admitted firstly in the hospital of Dr. Bhangale and then in Ganpati Hospital. The statement of Nikesh was recorded by police in the first hospital where he disclosed that he had sustained injuries in motor vehicle accident and as he had lost control over the motorcycle. However, there is no police record like panchanama of said motorcycle. To the hospital also, it was informed that he had sustained injuries in motor vehicle accident. He died on 21.6.2014. A.D. was registered on the basis of report given by police officer. During inquiry of A.D. also, mother of deceased gave statement that he had sustained injuries in motor vehicle accident. Then the report came to be given and crime came to be registered for the offences punishable under sections 302, 452, 342, 34 etc. of I.P.C.

3. As per the directions given by this Court, the report regarding final cause of death is obtained. There is no such

opinion given in P.M. report. Some abrasions were found on the dead body when P.M. was conducted and they were mainly on limbs and shoulder. Cause of death is reported as septicemia due to pneumonias. This Court has carefully gone through the P.M. report. In column No. 20, the condition of lung is described and there was something wrong with the lung.

4. The learned APP submitted that in the presence of complainant, the present applicant had given beating to the deceased. He submitted that it cannot be said at this stage that the injuries did not cause death when there is such allegation of the witnesses. He produced copy of transcript of so called video, recording condition of deceased Nikesh by his brother. He submitted that his brother had made inquiry with deceased in hospital on 15.6.2014 and during inquired, the deceased had disclosed to his brother that he was given beating as the amount of Rs. 52,000/- was due from him to Baviskar. However, this transcription also shows that he has not attributed any role to the present applicant. The applicant has been behind bars since 1.7.2014. It was submitted that it is the first application filed for bail in this Court and no other similar application is filed in Apex Court. In view of the aforesaid circumstances, this Court holds that it is not desirable to keep the applicant behind bars till the

disposal of the case.

5. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand). He is not to tamper with the prosecution witnesses. He is not to commit similar offence. He is not to go to the vicinity of the residential place of witnesses.

[T.V. NALAWADE, J.]

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