

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

CRIMINAL APPLICATION NO. 6946 OF 2014

Samadhan s/o. Nattu Patil
and Anr.

....Applicants.

Versus

The State of Maharashtra

....Respondent.

Mr. B.K. Patil, Advocate for applicants.

Mr. R.P. Phatke, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 8th January, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation. The learned counsel for the applicants placed reliance on the order made in favour Nattu Patil in Criminal Application No. 6217/2014 by this Court (other Hon'ble Judge).

2. The crime is registered on the basis of report given by Kadu Chindhu Sonawane. Deceased Vasant was his brother. It is his case that on 18.4.2014, in the evening, there was quarrel between his brother Vasant and wife of Vasant and Vasant was giving abuses to his wife. Nattu Patil, neighbour, felt that Vasant

was giving abuse to him. Allegations are made that Nattu Patil, his wife Dhrupadabai and his two sons Nitin and Samadhan gave abuses and made him to drink something. Initially Vasant was shifted to Government hospital, but at the end to private hospital. But, Vasant died on the next day at about 6.30 a.m. Report came to be given on 19.4.2014 i.e. the date of death.

3. The P.M. report shows that there was no injury on the dead body and advance opinion is given as the death took place probably due to acute poisoning. No C.A. Report with regard to viscera is received. The order made in Criminal Application No. 6217/2014 shows that there was record to observe that it was a case of chronic alcoholism and he was treated for the same. The learned counsel for the applicant took this Court through some record showing that initially nobody had informed about the aforesaid incident to doctor where Vasant was admitted. There is statement of doctor in that regard. Even in A.D. Report, there was no mention about the aforesaid incident. Only after the death of Vasant, allegations of aforesaid nature came to be made. In view of the aforesaid circumstances and as the applicants are behind bars for more than five months now, this Court holds that it is not desirable to keep the applicants behind bars till the disposal of the case and they are entitled to get bail

on the ground of parity.

4. In the result, the application is allowed. The applicants are to be released on bail on their furnishing PR and SB of Rs. 20,000/- (Rupees twenty thousand) by each of them. They are not to enter village Jaadgaon, Tahsil Bhusawal for the period of two years or till the conclusion of the trial. They are not to tamper the prosecution witnesses. They are not to commit similar offence.

5. Authenticated copy of this order is allowed.

[T.V. NALAWADE, J.]

ssc/