

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

Criminal Application No.7114 of 2014

Rajendra S/o Babasaheb Zingare
And Another.

.. Applicants.

Versus

The State of Maharashtra.

.. Respondent.

Shri. Rajendra G. Hange, Advocate, for applicants.

Smt. M.A. Deshpande, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 21st JANUARY 2015

ORDER:

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

2) Crime is registered on the basis of report given by Shri. Asraji, grand-father of deceased Dilip. In one incident dated 10-5-2014 Dilip was called from his house in presence of Asraji to the neighborhood by Rishikesh @

Pappu Mahadeo Zingare. Allegations are made that when Asraji heard shouts of Dilip he rushed to the spot and he saw that present applicants were assaulting the deceased. He made inquiry and he was informed that one Satish @ Rajabhau Zingare became angry as Dilip had misbehaved with his sister.

3) The material collected and particularly the FIR shows that weapon like iron rod was used by applicant No.1 and he had given blows with this weapon one head and other parts of the body of the deceased. Allegations made against applicant No.2 Rahul are that he gave blow by using stick. There are statements of other eye witnesses like Savita and Narayan. Similar statement was given by Asraji. The statement given by wife of Asraji is also of similar nature. The post mortem report shows that as many as 5 injuries were found which were of nature of abrasions and contusions and it was mostly on shoulder, neck and back. There was internal injury like fracture of parietal bone and there was intracranial haematoma. The death was caused due to intracranial haemorrhage.

4) Learned counsel for the applicants submits that there was no surface injury on the body of the deceased and no injury was found to the head. This submission is not acceptable at least at this stage as there is material that applicant No.1 had given blow on the head of the deceased.

5) During arguments, learned counsel for the applicants, on instructions, submits that he wants to withdraw the application of applicant No.1, Rajendra.

6) In view of nature of allegations as against applicant No.2, Rahul, the post mortem report, the motive behind the crime and the fact that he has been behind the bars since last 8 months this Court holds that it is not desirable to keep the applicant No.2 behind the bars till disposal of the case. So the application of applicant No.2 can be allowed.

7) In the result, the application No.1, Rajendra is disposed of as withdrawn. The application of applicant No.2 Rahul Sudam Zingare is allowed. He is to be

released on bail in Crime No.69/2014 registered in Georai Police Station, District Beed for offence punishable under sections 302, 34 of the Indian Penal Code on his furnishing PR and SB of Rs.15,000/-. He is not to tamper with prosecution witnesses. He is not to commit similar offences.

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

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