

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO.340 OF 2015**

|                          |                |
|--------------------------|----------------|
| Piraji Mahadev Jagadale  | ... Applicant  |
| vs.                      |                |
| The State of Maharashtra | ... Respondent |

Mr. Kuldeep Patil, for the Applicant.  
Mr. J.H. Ramugade, APP for the Respondent-State.

**CORAM: MRS.MRIDULA BHATKAR, J.**

**DATE: AUGUST 11, 2015**

**P.C.:**

. The application is moved for bail as the applicant/accused is prosecuted for the offences punishable under Sections 302 and 325 of the Indian Penal Code in C.R. No. 156 of 2014 registered with Vita police station, Sangli.

2. It is the case of the prosecution that one Anil Jagdale gave information to the police on 18<sup>th</sup> August, 2014 that on 17<sup>th</sup> August, 2014 there was quarrel between his father and the wife of the applicant/accused in respect of the access. On 18<sup>th</sup> August, 2014 the applicant/accused had quarrel with the complainant and he assaulted

him with kicks and fist blows. Then the complainant told this incident to his father who immediately arrived and questioned the applicant/accused. The applicant/accused thereafter, got enraged and lifted a stick which was laying there in the courtyard and gave blow of the stick on the tempo parietal region on the head of the father of the complainant. When the complainant went ahead to protest the assault, the applicant/accused also assaulted him with stick on his wrist. Thereafter, the complainant and his father fell down and the applicant/accused ran away from the spot. The victim Baburao Jagdale died on the spot. The applicant/accused was arrested thereafter on 18<sup>th</sup> August, 2014. Hence, this bail application.

3. The learned counsel for the applicant/accused submits that it is not a case of murder. The applicant/accused, as per the case of the prosecution gave a single blow and due to that Baburao Jagdale died. He submitted that the applicant/accused did not have intention to kill him. It is a case of assault and can not be considered as a case of murder punishable under Section 302 of Indian Penal Code. He submitted that the applicant is in prison since last one year and he has no criminal antecedents. Hence, he prayed for bail.

4. The learned prosecutor opposed the application. He has submitted that the applicant/accused is a quarrelsome person. After the incident, four N.C. were filed by the complainant and applicant /accused against each other. If the applicant is released on bail, he would commit the similar offence. Hence, he may not be bailed out.

5. Perused the first information report, the postmortem notes and the papers of investigation. It is a case of single blow of a stick on account of quarrel between the parties. The applicant/accused was not armed with weapon. It was a sudden fight and the applicant/accused has no antecedents. Moreover, he is in prison since last one year. In view of this, I am inclined to grant bail to the applicant/accused.

6. Hence, I grant bail as under:

- a) The bail application is allowed.
- b) The applicant/accused be enlarged on bail upon furnishing P.R. Bond in the sum of Rs. 50,000/- with one or two surety/s in the like amount.
- c) He shall not tamper with the evidence and shall not

pressurize the complainant or witnesses.

d) He shall not indulge into any criminal activity, while on bail.

e) He shall make himself available and attend all the Court dates regularly.

f) He shall not enter the village Bhendvale, Tal. Khanapur, Dist. Sangli till 31<sup>st</sup> December, 2015.

g) He shall not abscond and furnish his place of abode to the police station along with address proof.

h) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

7. Bail application stands disposed of on above terms.

**(MRS.MRIDULA BHATKAR, J.)**