

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.585 OF 2015

Hindurao Bapurao Panskar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.R.S. Kate for the Applicant

Mr.J.H. Ramugade, APP, for Respondent – State

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

DATE: **JULY 6, 2015**

P.C.:

1. The application is moved for bail for the offences punishable under sections 302, 307, 323, 324, 504, 506 r/w section 34 of the Indian Penal Code. The incident of assault has taken place on 14.12.2014. The family of the applicant/accused and the family of the deceased Prakash are cousins and there is a dispute in respect of a boundary of their respective house. On 14.12.2012 at around 8 am, the applicant/accused alongwith his brother and relative, wanted to demarcate a boundary line by erecting a pole. The deceased Prakash arrived there and opposed them and asked for measurement. However, the applicant/accused and the co-accused threatened him. Immediately thereafter the applicant/accused and the other co-accused went inside the house and brought wooden stick and rod and started abusing. When the complainant tried to intervene, one

of the accused pushed her and at the same time, the applicant/accused assaulted the deceased on his head with wooden plank. He fell down. He was taken to hospital for treatment. Immediately thereafter the complainant went to police station and the case was registered at C.R. No.117 of 2014 at Patan police station, Satara under sections 320, 323, 504, 506, 143, 147 and also under section 37(1)(3) and section 135 of the Mumbai Police Act. The injured however lost his life on 5.1.2015. Thereafter, section 302 was added. The applicant/accused is in prison since 18.12.2014. Hence, this bail application.

2. The learned Counsel for the applicant/accused submitted that it is only a single blow to the head of the deceased, as per the act attributed to him. He submitted that the applicant/accused is a retired person and wanted to construct a house. He has no criminal antecedents. The learned Counsel for the applicant/accused further submitted that there is a cross case. He also submitted that the present applicant/accused also gave information to the police and pursuant thereto, the offence was registered against the deceased and his relatives at C.R. No.118 of 2014 for the offences punishable under sections 143, 147 148, 149, 324, 323, 504, 506 of the Indian Penal Code and sections 37(1)(3) and 135 of the Mumbai Police Act. He submitted that the applicant/accused was also an injured and his hand was to be cast in plaster. He therefore prays that the applicant be bailed out.

3. Learned Prosecutor has opposed the application. He submitted that it is a case under section 302 of the Indian Penal Code. The applicant/accused was present and he assaulted the deceased. He gave a blow on the head of the deceased and he succumbed to the head injury in the hospital.

4. Perused the FIR as also the counter FIR at C.R. No.118 of 2014. It appears that there was a sudden fight between the members of the two families. The complaint discloses that the applicant/accused gave one blow with wooden plank on the head of the deceased. It was on the vital part. The cause of death shown in the death certificate is due to complications of the head injury. The deceased though was injured on 14.12.2014, died 20 days thereafter i.e., on 5.1.2015. Considering these facts, I am inclined to grant bail on the following conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence while on bail;

iv) The applicant shall not enter the village Bahule, Taluka Patan, District Satara, for a period of one year or till the trial Court completes the trial, whichever is earlier.;

v) The applicant shall cooperate with the Investigating Officer and attend all the Court dates.

5. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)