

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE – CRIMINAL  
BAIL APPLICATION NO. 55 of 2015

Baban Krishna Bhoir & Anr. ... Applicants  
Vs.  
The State of Maharashtra ... Respondent

Mr. Mohammed Umar Kazi for the Applicant  
Mrs. Rutuja Ambekar, APP, for the Respondent -State.

**CORAM:** P.D. KODE, J.

**DATED:** JANUARY 30, 2015.

**PC:**

Heard. After considering the oral account of incident as spelt from the FIR lodged by son of deceased Hirabai Rane and the statements of her daughter, brother-in-law and sister-in-law it is clear that the same does not reveal the reason because of which the incident in question had commenced on relevant date. However, the matters from said statements equivocally reveals that after the deceased became unconscious the assailants had left away. Having regard to it there appears substance in the submissions canvassed that the offence occurred at the hands of Applicants may not transcend beyond the offence under sections 304 of the IPC. It appears accordingly as there is paucity of material in the charge-sheet denoting that the assailants were entertaining an intention of

committing the murder of the deceased or to cause her such bodily injury likely to cause death or such bodily injury in ordinary course of nature would have resulted in her death. Apart from it, *Post Mortem* report also reveals that the death has occurred due to Septicemial shock due to pyothorax. Even the allegations regarding the acts committed by the Applicants apparently appears to be vague as the statements reveal that the deceased was assaulted by them by fists and kick blows by the assailants.

2. Resultantly, the application is allowed and the Applicants are directed to be released on each furnishing P .R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) with one or more sureties to make up like amount and subject to conditions that after their release the applicants shall (i) stay outside the precincts of village Vasad and shall inform their place of abode to the I.O. and shall not change the same without prior permission of the Court; (ii) attend the I.O. on every Monday for a period of two months and thereafter on every alternate Monday for a period of further two months and thereafter on first Monday of every Month in between 11:00 a.m. to 1:00 p.m. until further orders; (iii) not indulge in activity of tampering, threatening, coercing, intimidating

or pressurizing the prosecution witnesses in any manner; and (iv) not misuse the bail granted vide this order for fleeing away or for committing any further offence.

3. The application accordingly stands disposed of.

(P.D. KODE, J.)