

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.838 OF 2015

Shri Hanumant Tukaram Ghogare ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.A.A.Karande for the Applicant

Mr.Arfa Sait, APP, for Respondent – State

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

DATE: **JULY 21, 2015**

P.C.:

1. This application is moved for bail as the applicant/accused is facing prosecution under sections 354 and 302 of the Indian Penal Code and under sections 3(1)(xi) and 3(2)(v) of the the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 in C.R. No.215 of 2014 registered with Indapur police station, Pune. One Ashwini Sagar Ogale has given information to the police on 25.6.2014 that on that day in the evening at 7.30pm, the applicant/accused outraged her modesty by pushing her and asking her to go with him. She immediately went home and narrated the incident to her husband and two brothers. Therefore, they all went to the applicant/accused and her husband questioned the applicant/accused as to why did he outrage the modesty of his wife. At that time, the applicant/accused asked as to who was he and pierced Sattoor in the

stomach of her husband. Her husband fell down. The incident of assault has taken place on 8.15 pm. He was immediately shifted to hospital. However, he was declared dead. The applicant/accused was arrested on the same day and he is in prison and hence this bail application.

2. The learned Counsel for the applicant/accused submitted that it is not a case of murder but a case of single blow and therefore, he cannot be charged under section 302 and, therefore, he is to be bailed out.

3. Learned Prosecutor has opposed the bail application. He relied on the postmortem report.

4. Perused the FIR and the statements of the witnesses, who are the eye witnesses. The informant herself has witnessed the incident. Though it is a death due to single blow, the cause of death is due to extensive haemorrhage due to laceration of right lung. The postmortem notes disclose that there was a fracture of the 7th rib. Thus, it shows that the deceased was stabbed with force. Considering all these facts, in my view, it is not a case to grant bail.

5. Hence, the application is rejected.

(MRS.MRIDULA BHATKAR, J.)