

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1122 OF 2015**

Ashok Maruti Orase

..Applicant

v/s.

The State of Maharashtra.

..Respondent

Mr. Shriram S. Chaudhari for the applicant.

Mrs. Verra Shinde, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : NOVEMBER 26, 2015.

P.C.

. This is an application for bail filed by the aforesaid applicant, who is arrested in C.R.No. 521 of 2014 registered with the Pimpri police station for the offence under section 302 and 504 of the IPC.

2. Heard Mr. Chaudhari, learned Counsel for the applicant, and the learned APP for the State.

3. Learned counsel for the applicant submitted that the applicant is 25 years old and that the allegations levelled in the complaint do not prima facie disclose the offence under section 302 of the IPC. He further submits that the presence of the applicant is not

required in the custody.

4. Learned APP for the State submits that the offence is of serious nature as the applicant had inflicted head injury as a result of which the deceased had expired. Therefore the application for bail should be rejected.

5. Perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. Prima facie the records reveal that on 12/11/2014 the deceased was under the influence of alcohol and at about 10.15 p.m. he had started fighting and assaulting the complainant Manisha. The applicant and other neighbours had assembled outside the house of the complainant and had tried to prevent the deceased from assaulting the complainant. The records reveal that the applicant had told the deceased not to quarrel with the complainant. The deceased objected to the interference and had told him not to get involve in family matters. There was a scuffle between the applicant and the deceased, during which the wife of the deceased, her son and other neighbours intervened. The records further reveal that the deceased proceeded towards the house of the applicant and that the applicant assaulted the deceased with a wooden stick as a result of which he fell

on the ground. The post mortem report reveals that the deceased had expired as a result of head injury.

6. The FIR as well as the other material on record prima facie reveals that the incident had occurred at the spur of moment and was not pre- meditated. The records prima facie reveal that the applicant had inflicted a single blow of stick on the head which turned out to be fatal. Considering the nature of allegations and also considering the age of the applicant, in my considered view the applicant is entitled for bail. Furthermore the applicant is a permanent resident of Chinchwad, Pune and there is no possibility of his absconding or thwarting the course of justice.

7. Hence, the bail application is granted on the following terms.

i) The applicant be released on bail on the applicant furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent surety/ies in the like amount to the satisfaction of the learned Sessions Judge, Pune.

ii) The applicant shall not tamper or attempt to influence

the prosecution witnesses in any manner.

iii) The applicant shall remain present before the Court as and when called.

(ANUJA PRABHUDESSAI, J.)