



Penal Code upon F.I.R. lodged by one Anant Tambe, father of the deceased, regarding the incident.

3. The learned APP has objected the prayer for bail on the ground that the incident in question has resulted into the death of a person. It is submitted that account of incident reveals that on petty cause the applicant has assaulted the deceased to such extent that the same has resulted into his death. It is submitted that thus offence occurred at the hands of the applicant being a brutal murder, the prayer for bail be negatived.

4. The learned counsel for the applicant has prayed for bail by drawing attention to statements of three eye witnesses namely Dinesh Pujari, Chetan Rao and Ramji Pal and urging that account of incident reflected from them denotes that it was not pre planned attack and the same was the outcome of the act of provocation given by the deceased to the applicant. It is submitted that having regard

to it, the applicant probably due to losing of self control due to provocation received during the quarrel having assaulted to the deceased, he offence occurred at his hand may not transcend the offence punishable under Section 302 of Indian Penal Code due to the same being covered under Exception 1 or 4 of Section 300 of Indian Penal Code, the prayer for bail be leniently considered.

5. The perusal of the charge-sheet reveals that submissions advanced can not be said to be *de-horse* the merits. The account of incident reveals that quarrel had occurred upon applicant asking for *Pan* deceased having hold him to eat *Chuna* and the same having enraged the applicant and himself having assaulted the deceased in rage. It reveals that neither the applicant was armed with weapon nor he has used any weapon in further the assault. Having regard to it, the discretion deserves to be exercised in favour of grant of bail.

6. Resultantly, the application is allowed.

7. The applicant is directed to be released on bail in connection with aforesaid crime upon furnishing P.R. Bond in sum of Rs. 1,00,000/- (One Lac) with one or two sureties to make up like amount and subject to conditions that after release the applicant shall (a) stay at the address mentioned in the application (b) attend the investigating officer on every alternate Monday in between 11.00 am to 1.00 pm until further order, (c) not indulge in any activity of tampering the prosecution evidence and/or not indulge in any activity of coercing, threatening and pressuring the prosecution witnesses and (d) not misuse the protection granted by this order for fleeing away or for any other oblique purpose.

Application stands disposed of.

(P.D. KODE, J.)