

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2483 OF 2014**

Shri Dnyandeo Phulaji Birajdar	Applicant.
Versus	
The State of Maharashtra	...Respondent.

Mr. Ganesh Gole i/by Ms. Rashmi Gagwani, advocates for the Applicant.
Mr. Arfan Sait APP for the respondent-State.
IO Mr. Suraj D. Patil, API, Pune City Police Station present.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 31, 2015.

P.C.:

Application is moved for bail as the applicant-accused is facing charges under Sections 302, 323, 324 504 read with Section 34 of the IPC. One Janardhan Menkudale has lent an amount of Rs.7,000/- to one Gayabai Patil. The applicant-accused is father of Gayabai Patil. The deceased used to demand money and also nagging her for the same. On 16.7.2014, deceased went to the house of Gaya where she was residing along with her father at Dhanakwadi, Pune. He demanded Rs.7,000/- from Gayabai. She started abusing him and there were altercations between the two. At that time, her father applicant-accused, who was present was also assaulted the deceased with stick and kicks and fist blows.

Thereafter some people intervened and the applicant-accused along with his daughter and his wife took the deceased to the police station and then also took him to the hospital for treatment. At that time, It was informed that Janardhan was dead. Hence, offence was registered at C.R.162/2014 at Sahakar Nagar Police station, Pune. Applicant-accused is taken in custody since 17.7.2014. hence, this bail application.

2 The learned counsel for the applicant-accused submitted that the incident has taken place in a spur of movement. It was not planned attack. Weapon used was stick, which was available in the house and injuries caused with fists blows and kicks. He submitted that there was no intention to kill the deceased. He further pointed out that in the extract of hospital record, which is produced alongwith application, there is entry that the deceased used to outrage the modesty of Gayabai and, therefore, her father got enraged and assaulted the deceased. He submitted that in view of this, it is not the case of murder. As the applicant-accused is in prison since since July, 2014, he is entitled to bail.

3 The learned prosecutor opposes the bail application. He produced photo copy of the extract of the station diary dated 16.7.2014 of the Sahakar Nagar police station. Production was pursuant to the order passed by my learned predecessor. He argued that death was due to

multiple blunt injuries and it is homicidal assault. He informed the Court that as per High Court website, charge is framed in this matter on 18.2.2015 and dates show that on 3rd March and 18th March, case was for hearing. He produced photo copy of the said website.

4 Perused the FIR, PM Notes and also the statements of the witnesses. It is true that the incident was not pre-mediated. Attack had taken place out of sudden provocation. However, there are multiple injuries on the body of the deceased leading to death and the statement of the witnesses disclose that the deceased was beaten up by the applicant-accused at the relevant time. As the charge is framed and the case is proceeding, I am not inclined to grant bail.

5 Bail application, accordingly, rejected.

(MRS.MRIDULA BHATKAR, J.)