

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 378 of 2015
[Shrikrushna Shamrao Warhade & another Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R.M. Daga, Adv., for the Applicants.
Mrs. Rashi Deshpande, APP for respondent.

- - - -

CORAM : A.B. CHAUDHARI, J.

DATE : 07th July, 2015.

Heard learned counsel for the rival parties. Seen the FIR.

The first informant is the eye-witness to the incident who lodged the FIR on 21st February, 2015. On completion of investigation, the charge-sheet has been filed.

The incident occurred when a woman, in front of whose house two boys including the informant and the deceased were making noise on the road, requested them to stop shouting loudly, since her child was sleeping in the house. In the meanwhile, the applicants are said to have intervened and started assaulting Shashank. When Jaykumar, the deceased, came to intervene, he was assaulted with fists and kick blows

also on the chest. The applicants were told that Jaykumar had undergone heart surgery, but to no effect. Jaykumar fell unconscious and thereafter he died as declared by the Doctor lateron.

Undoubtedly, the incident is most unfortunate. But then, prima facie, no offence of murder can be said to have been constituted and at the most, the offence would be a culpable homicide not amounting to murder. Awarding of sentence to the applicants is a matter which ultimately depends upon the nature of evidence and so on and so forth.

The applicants have been in jail since 21st February, 2015. The sole witness Aman Manchalwar, i.e., first informant, should be given police protection and responsibility to that effect would be on the Police Station Officer, Gadgenagar Police Station, Amravati.

The deceased is said to be the son of a poor person. I think, the applicants should be asked to make a total payment of Rs. 2,00,000-00 [rupees two lakhs only], i.e., one lakh by each applicant, if they want their enlargement on bail, which amount should be paid over to the parents of the deceased. Hence the following order:-

ORDER

[a] Criminal Application No. 378 of 2015 is

allowed.

- [b]** Applicants shall be released on bail upon furnishing a Personal Bond in a sum of Rs. 20,000/- [rupees twenty thousand only] each with one surety each in the like amount.
- [c]** Applicants shall report to Gadgenagar Police Station, Amravati, on last Sunday of every month between 11.00 a.m., and 4.00 p.m.,
- [d]** The applicants shall deposit with Sessions Judge, Amravati, a total amount of Rs.2,00,000-00 [rupees one lakh by each applicant] within a period of four weeks from the date of their actual release from the jail and in the event of failure to do so, this order granting bail shall automatically come to an end.
- [e]** The Sessions Judge, Amravati, shall pay to the parents of the deceased the said amount by cheque in their Bank account.

Judge

