

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.462 OF 2016

1. Gorakh s/o Nivrutti Kokate,
Age 48 years, Occu. Agri.,
2. Navnath s/o Nivrutti Kokate,
Age 46 years, Occu. Agri.,
3. Sambhaji s/o Machhindra Kokate,
Age 35 years, Occu. Agri

All r/o Mane Vasti, Kashti,
Taluka Shrigonda,
District Ahmednagar

..Applicants

Versus

- . The State of Maharashtra,
Through Police Station Officer
Shrigonda Police Station,
District Ahmednagar

..Respondent

Mr Mr S.R. Zambare, Advocate h/f Mr N.V. Gaware, Advocate for applicants

Mr A.S. Shinde, A.P.P. for respondent

Mr N.B. Narwade, A.P.P. for complainant, assisting the A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 9th February 2016

PER COURT

Heard.

2. The applicants are seeking regular bail in Crime No.254 of 2015, registered at Shrigonda Police Station, District Ahmednagar, for the offences punishable under Sections 304, 323, 504, 506 read with sec.34 of Indian Penal Code.

3. The applicants are specifically named in the F.I.R., as they have assaulted deceased Dattatraya, who fell on stone resulting into his death because of head injury.

4. Learned Counsel for the applicants would urge that there was no criminal intention on the part of applicants to kill Dattatraya. He would then urge that it is only upon the differences in between the parties in relation to spot of unloading the road construction material, the incident in question took place.

5. Learned A.P.P. opposed the application on the ground that charge-sheet is not filed and there is eye witness to the incident, i.e. Satish.

6. Perused the contents of F.I.R. and investigation papers.

7. It is required to be noted that the applicants, after arrest were subjected to custodial interrogation. It is not in dispute that the investigation in the matter is almost complete. As such, in my opinion, further detention of the applicants is not necessary.

8. Apart from above, the fact that the incident as narrated in the F.I.R. and the investigation papers does not depict that it was intention of the applicants to kill Dattatraya. It is because of his fall on hard surface, deceased Dattatraya suffered head injury, which was alleged to be the cause of his death.

9. In view of above background, the applicants are entitled to be released on bail.

10. The applicants be released on bail in Crime No.254 of 2015, registered at Shrigonda Police Station, District Ahmednagar, for the offences punishable under Sections 304, 323, 504, 506 read with sec.34 of Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, by each of them.

11. The applicants shall keep themselves away from the jurisdiction of Shrigonda Police Station till filing of charge-sheet.

12. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr