

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

CRIMINAL APPLICATION NO.701 OF 2016

Madan s/o Deelip Patil,
Age 27 years, Occu. Agri.,
R/o Sarve, Taluka Pachora,
District Jalgaon

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr Satej S. Jadhav, Advocate for applicant
Mr M.M. Nerlikar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 23rd February 2016

PER COURT

Heard.

2. The applicant is seeking regular bail in Crime No.150 of 2015, registered on 10th September 2015 at Pachora Police Station, District Jalgaon, for the offences punishable under Sections 302, 307, 326, 324, 143, 147, 148, 149 and 504 of Indian Penal Code.

3. The prosecution case against the present applicant is that the applicant was the member of an unlawful assembly who along with other co-accused namely Walmik Patil, Bhagwat, Bhushan etc. have assaulted Akash, resulted into his death.

4. As the investigation in the matter is complete and charge-sheet is filed, learned Counsel for the applicant, while trying to make out the case for grant of regular bail would urge that further detention of the

applicant is not necessary, particularly looking to the role attributed to him in commission of crime in question. He has invited attention of this Court to the contents of F.I.R. lodged by Anna Maharu Patil on 10th September 2015, wherein specific role attributed to the applicant is that of assaulting the complainant with fist blows. He would then urge that the other investigation papers/statements depict that the role attributed to the applicant is assaulting the opposite party members by fist blows.

5. The application is opposed by learned A.P.P. stating that a serious offence punishable under Section 302 of Indian Penal Code punishable with life or death is registered against the applicant. The provisions of Section 149 are also invoked looking to the common intention of the applicant in commission of crime in question. He would then urge that in view of eye witnesses to the incident, application be rejected.

6. Perused the contents of charge-sheet. The death of Akash has caused because of the injuries sustained by him, which are not attributed to the present applicant. The role attributed to the applicant is that of assaulting by fist blows and if the medical record is perused in relation to the complainant and Akash, there are corresponding injuries noticed. The injuries caused by the present applicant cannot be termed to be so serious attracting provisions of Section 302 of Indian Penal Code.

7. In above background and as the investigation is complete and there are no criminal antecedents, the applicant deserves to be released on bail.

8. As such, Criminal Application stands allowed. The applicant be released on bail in Crime No.150 of 2015, registered on 10th September 2015 at Pachora Police Station, District Jalgaon, for the offences punishable under Sections 302, 307, 326, 324, 143, 147, 148, 149 and 504 of Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

9. The applicant shall not tamper with the evidence.

(N.W. SAMBRE, J.)

vvr