

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

CRIMINAL APPLICATION NO. 729 OF 2016

IN

CRIMINAL APPEAL NO. 52 OF 2016

Vijay s/o Sudhakar Folane and anr.

...Applicants

VERSUS

The State of Maharashtra

...Respondent

.....

Shri R.R.Mantri, advocate for applicants

Shri K.S.Patil, A.P.P. for respondent/State

.....

CORAM : A.V.NIRGUDE

AND

INDIRA K.JAIN, JJ.

DATED : 25th February, 2016

ORDER :

- 1] The applicants are convicted for offence of murder.
- 2] On perusal of the papers with the help of learned counsel for the applicants/appellants as well as the learned A.P.P. we found that this could not be a case of even culpable homicide. The applicants/appellants were accused of beating the victim with fists and kicks. Number of people participated in the mellie. The victim was severely beaten up but no weapon was used. No particular

portion of his body was targeted. He some how sustained injury to the back of his head which proved fatal. Ultimately he died after 3 days due to injury to his spinal cord close to his neck. Even the brain was damaged.

3] By no stretch of imagination this could be a case of culpable homicide. The applicants/appellants are, therefore, entitled to bail.

4] The substantive sentence is suspended. The applicants/appellants are released on bail on they each executing P.R. bond of Rs.15,000/- with one surety in the like amount by each of them. The bail bonds to be given in the lower court.

5] Humdast allowed.

[INDIRA K.JAIN, J.]

[A.V.NIRGUDE, J.]