

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3461 OF 2016

DATTA S/O VISHWANANTH LANDGE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Tukaram M. Venjane
APP for Respondents: Mr. S.J. Salgare
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CORAM : V. K. JADHAV, J.
DATED : 22nd JULY, 2016

PER COURT:-

1. Heard learned counsel for the applicant and learned A.P.P. for the respondent-State.
2. Read the application. Perused the charge sheet. On the basis of complaint lodged by one Dhaneshwar Mohanrao Shinde, dated 22.8.2015, crime No.113 of 2015 came to be registered with Renapur police station, district Latur for the offences punishable under Sections 302, 323, 504, 506 r.w. 34 of I.P.C. It has alleged in the complaint that on 19.8.2015 the informant and deceased had gone to Tahsil office at Renapur for certain work. After completing their work, they started returning to their village. On way, because of rains, they stopped near Sahyadri Dabha. At that time, present applicant alongwith his friend Nagnath Ige asked deceased Satish whether liquor is available in the said Dhaba. Thereupon, deceased Satish

Jadhav, who is ex-Sarpanch of village Palshi replied that he is not the person addicted to liquor like him and he himself go and enquire with the Dhaba owner about it. Therefore, quarrel had taken place between deceased Satish Jadhav, applicant and said Nagnath Ige. Accused Nagnath Ige caught hold of Satish Jadhav and present applicant gave a blow of stone on the head of Satish. In consequence of which, deceased Satish had sustained bleeding injuries. He was taken to the hospital and he died on 22.8.2015. On the basis of these allegations, the applicant came to be arrested on 22.8.2015 and since then he is in jail. The applicant has preferred this application for getting released on bail. His application with similar prayer came to be rejected by the Additional Sessions Judge-3, Latur by order dated 16.12.2015 in Criminal Misc. Application No. 454 of 2015.

3. Learned counsel for the applicant submits that there is delay of 03 days in lodging the complaint for which no explanation is tendered in the complaint. The alleged incident had taken place all of a sudden without any premeditation. As per contents of the complaint and on perusal of entire charge sheet, it appears that in the hit of anger present applicant gave single blow of stone on the head of deceased Satish and deceased Satish did not meet with death instantly but he died on 22.8.2015 while under treatment in the

hospital. Even on the given set of allegations, murderous intention of the applicant could not be gathered. The antecedents of the applicant are clear. He has fixed place of residence. He will be easily available for trial. Learned counsel submits that deceased as well as the applicants are from different villages and therefore, there is no question of tampering with the prosecution evidence.

4. Learned A.P.P. submits that there is strong prima facie case against the applicant and there are eye witnesses to the incident. On a trivial issue, the present applicant gave a blow of stone with such force on the head of deceased Satish, deceased Satish had sustained head injury and died subsequently. Immediately after death of deceased Satish, a complaint came to be lodged in the police station and as such there is no delay in lodging the complaint. The intention of the applicant can be considered during the course of trial and since there is strong prima facie case, the application deserves to be rejected.

5. On careful perusal of the complaint and the charge sheet, it appears that quarrel had taken place all of a sudden without any premeditation. It further appears that the applicant was not carrying any weapon with him. In the hit of anger the applicant just lifted a stone and gave single blow of the said stone on the head of

deceased Satish. At this stage, it would not be desirable to make any observation about murderous intention behind the crime, however, in the given set of allegations, the applicant is entitled to be released on bail. Moreover, the applicant will be easily available for trial and there is no question of tampering with the prosecution evidence. Hence, the following order.

- I) The application is hereby allowed.
- II) The applicant Datta s/o Vishwanath Landge be released on bail in connection with crime No.113 of 2015 registered with Renapur police station, district Latur for the offences punishable under Sections 302, 323, 504, 506 r.w. 34 of I.P.C. on furnishing P.R. bond of Rs.20,000/- (Rupees Twenty thousand only) with one solvent surety in the like amount.
- III) Bail before the trial court.

6. Criminal application for bail is disposed of.

(V. K. JADHAV, J.)

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