

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

921 CRIMINAL APPLICATION NO. 4553 OF 2016

**PALLAVI MACHINDRA GAIKWAD
& ORS.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. R.R.Karpe, Advocate for Applicants.

Mr. S.J.Salgare, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 16th SEPTEMBER, 2016

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PER COURT :

1. The applicants, who are accused in Crime No. 181/2016 registered at City police station, Shrirampur, Dist. Ahmednagar for the offences punishable u/ss 302,143,147,148,149,323 of the Indian Penal Code, by this application are praying for bail.

2. Heard the learned counsel for applicants. He argued that one of the applicants is doing sundry work for his livelihood, whereas rest of the applicants are students. The learned counsel further argued that the F.I.R. itself reveals that assault by the applicants was by means of fists and kicks

blows and, therefore, no intention or knowledge can be attributed to them. The learned counsel argued that no weapons were used by the applicants. There is no evidence of motive and, therefore, the applicants, who are women, are entitled to be released on bail.

3. The learned A.P.P. opposed the application by drawing my attention to the postmortem report as well as the statements of eye witnesses.

4. In the incident in question, Musa Pathan died. Postmortem report shows that his death was homicidal. Perusal of the postmortem report shows fracture injuries on the body of deceased. His death is reported to be due to abdominal injuries.

5. The F.I.R. is lodged by an eye witness to the incident, who happens to be the son of the deceased. The F.I.R. reveals that all the applicants were assaulting the deceased by means of fists and kicks blows on his back and abdomen. Rest of the accused persons are stated to be assaulting the deceased by means of wooden logs. The version of the informant is duly corroborated by several witnesses, who happens to be neighbours as well as relatives of the deceased. The postmortem report shows that the death is due to abdominal injuries.

6. Considering the nature and extent of injuries suffered by the deceased and cause of his death, at this stage,

it can not be said that the assault was not with requisite motive and intention. In this view of the matter, no case for bail is made out. Hence, the following order.

(i) The Criminal Application stands rejected.

[A.M.BADAR, J.]

KNP/Cr.Apln. 4553.2016