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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2480 OF 2015**

Gurudatta Tukaram Wagh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Subhash Jha i/b Law Global Advocates, for the Applicant

Mr. Arfan Sait, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 16th APRIL, 2016***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 76 of 2015, registered with the Bhuinj Police Station, Wai, Satara, for the alleged offences punishable under Sections 504, 302 of the Indian Penal Code.
3. The applicant is the nephew of the deceased – Pandurang K. Wagh. Learned Counsel for the applicant submitted that the incident in

question took place on 18th May, 2015 at around 4.30 p.m. He submitted that the alleged offence was an outcome of a sudden quarrel which took place between the deceased and the applicant, as the common boundary wall of the agricultural field was damaged by the deceased. He submitted that the applicant is alleged to have given a single blow on the head of the deceased, as a result of which the deceased succumbed to the injury on 19th May, 2015. He submitted that considering the facts of the case, the applicant be enlarged on bail.

4. Learned APP opposed the bail application. He submitted that the statements of the eye-witnesses show that the applicant had gone there and started the quarrel and had given a blow on the head of the deceased from behind. He submitted that whether or not the case falls under the exception is a matter which cannot be considered at this stage.

5. Perused the papers. The deceased was aged 78 years at the relevant time. The applicant is the nephew of the deceased. *Prima-facie*, from the perusal of the statement, it appears that that the incident occurred at the spur of moment, in which the applicant assaulted the deceased on his

head. The postmortem report shows 'single horizontal to oblique 6X1.5X.1.5 cm CLW over Lt. occipital region, c bleeding c sutures in situ' The cause of death is stated to be 'Head injury, [intra cranial hemorrhage]. The applicant has no antecedents. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant to cooperate with the conduct of the trial;

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.