

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION No.308 OF 2016

1. Mahadev Tukaram Burungale .Applicants
2. Lakshman Mahadev Burungale
3. Dagadu Mahadev Burungale
4. Sangita Dagadu Burungale

Vs.

The State of Maharashtra .Respondent

Mr.J.D.Mane, Advocate, for the Applicants
Smt.Veera Shinde, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.04.2016

P.C.

. Heard learned counsel for the
Applicants and the learned APP for the
Respondent – State.

2. By this Application, the Applicants
seek their enlargement on bail in connection
with C.R.No.118 of 2015 registered with the
Atpadi Police Station, District – Sangli, for
the alleged offences punishable under Sections

323, 325, 504, 506 r/w.34 of the Indian Penal Code.

3. The Applicant No.1 is the father of the Applicant Nos.2 and 3 and the Applicant No.4 is the daughter-in-law of the Applicant No.1. The incident in question has taken place on 27.09.2015 at about 7.00 a.m. It is alleged that there was a verbal quarrel between the deceased and the Applicant No.3, pursuant to which the Applicants started abusing and assaulting the deceased with fist and kick blows, whip and a stick. In the said incident, the deceased, aged 75 years was injured and admitted to the Rural Hospital, Atpadi, Sangli. It appears that initially, an N.C., being No.802 of 2015 was registered alleging offences punishable under Sections 323, 504, 506 r/w.34 of the Indian Penal Code and after two days i.e. on 29.09.2015, after recording the statement of the Complainant — Natha Burungale again, the

aforesaid FIR was registered, alleging offences punishable under Sections 323, 325, 504, 506 r/w.34 of the Indian Penal Code. The said FIR was registered vide C.R.No.118 of 2015. On 30.09.2015 the deceased - Natha Burungale expired whilst taking treatment.

4. Learned counsel for the Applicants submitted that the incident in question was not a premeditated act. He submitted that the deceased died on 30.09.2015 due to complications following blunt trauma to chest. He submitted that no dangerous weapons were used in the commission of the alleged offences and that the Applicants have been in custody since their arrest on 01.10.2015.

5. Learned APP opposes the Bail Application. She submitted that the Post Mortem Report shows that the deceased has suffered several external injuries and that there was

fracture of the 6th, 9th, 10th & 11th ribs.

6. Perused the charge-sheet. The incident is of 27.09.2015 and the deceased, who was aged 75 years died on 30.09.2015. Although, there are number of injuries, the cause of death is shown as "death due to complications following blunt trauma to chest". The Applicants are alleged to have assaulted the deceased with fist and kick blows and a stick. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the Application is allowed and the Applicants are enlarged on bail on the following terms & conditions:

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;

(ii) The applicant Nos.2 & 3 shall report to the investigating officer of the Atpadi Police Station, District – Sangli on the **first Saturday of every month** between **10:00 a.m. to 11:00 a.m.**, for a period of 12 months after their release and thereafter, on every alternate month till the conclusion of the trial;

(iii) The applicants shall not tamper or attempt to influence or contact wife of the deceased, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial;

(vi) The applicants shall file their undertaking with regard to Clause Nos.(ii) to (v) in the trial Court within one week of their release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

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

9. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)