

Anand

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

BAIL APPLICATION NO.2393 OF 2015

Mahesh Bhausahab Salunkhe .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.R.S.Kate, Advocate, for the Applicant
Smt.Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.03.2016

P.C.

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

2. By this Application, the Applicant seeks
his enlargement on bail in connection with
C.R.No.139 of 2015 registered with the Baramati
Police Station(Rural), Pune, for the alleged
offences punishable under Sections 302 & 504 of the
Indian Penal Code.

3. The incident in question has taken place on 08.05.2015 at about 5.30 p.m.. The applicant and the deceased are related, inasmuch as, the Applicant is the nephew of the deceased, who was aged 72 years. According to the prosecution, there was some altercation between the Applicant and the deceased, in which the Applicant assaulted the deceased with fist and kick blows. As a result of the assault, blood started oozing from the nose of the deceased. The deceased was taken to the hospital, where he succumbed to the injuries.

4. A perusal of Column 17 of the post mortem report shows that there are no external injuries on the person of the deceased and the cause of death is shown as 'acute myocardial infarction'. He submits that even if the prosecution case is taken as it stands, no offence under Section 302 of the Indian Penal Code is disclosed as against the Applicant.

5. Perused the papers. It appears that the Applicant has assaulted the deceased with kick and fist blows, as a result of which blood started oozing from the deceased's nose. Thereafter, the injured was admitted to the hospital where he succumbed to the injury. The post mortem report shows that the deceased died due to 'acute myocardial infarction'. The question whether the offence would be one punishable under Section 302 of the Indian Penal Code or a lesser offence, is a matter which will be decided by the trial Court, after evidence is led.

6. Considering the nature of allegations, the Applicant deserves to be enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Baramati Police Station(Rural), Pune on the first Saturday of every month between 11:00 a.m. to 12:00 noon 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 shall inform his 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 applicant to cooperate with the conduct of the trial;

7. The Bail 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)