

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

CRIMINAL APPLICATION NO.2047 OF 2017

Pramod @ Pappu S/o Manohar Bagul ... **Applicant**
age:34years,Occu. Private Service,
R/o Savandgaon-Shivar,Ta.Vaijapur
Dist.Aurangabad.

VERSUS

The State of Maharashtra ... **Respondent**
Through,Police Inspector,Gangapur
Police Station,Dist.Aurangabad.

Mr.S.A.Gaikwad, Advocate for the applicant.

Mr.S.B.Joshi, APP for the State.

Mr.Kshitij Surve,Advocate for complainant/Assist to
P.P.

CORAM : K. L. WADANE, J.

DATE : 10th July, 2017

ORDER:

1. Heard Mr.Gaikwad,learned counsel for the
applicant and Mr.Joshi, learned APP for the State.

2. This is an application under section 439 of
the Criminal Procedure Code in connection with Crime
No. 177/2016 registered with Vaijapur Police Station,
Tq.Gangapur,Dist. Aurangabad for the offence punishable
under sections 302 of the Indian Penal Code.

3. One Mr. Dinesh Bagul real brother of the
applicant lodged a complaint in Police Station Vaijapur
stating that the applicant was abusing his father by

asking that some landed property should be transfered in his name. On 14/06/2016, at about 9 to 10 p.m., the present applicant, under the influence of liquor, abused his father and insisted his father to transfer landed property in his name and has slapped his father. At that time grandfather Murlidhar was present. He also abused his grandfather. When his grandfather was sleeping on the Ota in front of the house, at about 1.45 a.m., the applicant informed the informant that the blood was oozing from the head of the grandfather, on which, the informant went there and noticed that grandfather Murlidhar fallen from the cot and injury to his head. Subsequently, the injured Murlidhar was taken to the Hospital, where he succumbed to the injury. Subsequently, the informant has noticed blood on the bed on the upper side and a brick, stained with blood, was lying at the upper side of the bed. Therefore, the complaint was lodged by the informant.

4. I have gone through the statement of the witnesses i.e. statement of the father and brother of the present applicant. Their statements are very consistent with the fact that the present applicant had been to the spot at 1.45 a.m. One day prior to the incident, there was quarrel between the applicant,

father and grandfather of the informant. Looking to the medical certificate, it appears that the injury sustained is not possible due to fall.

5. Looking to the above circumstance, I am of the opinion that the applicant is not entitled for bail. Hence the criminal application is rejected.

(K. L. WADANE, J.)

JPC