

Anand

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

BAIL APPLICATION NO. 2095 OF 2017

1. Bapu Sitaram More .Applicants
2. Balu Trimbak Ahire

Vs.

The State of Maharashtra .Respondent

Mr. Pritesh K. Bohade, Advocate, for the Applicants
Mr. S. R. Agarkar, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 14.11.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 93 of 2017 dated 03.06.2017 registered with Chandwad Police Station, Nashik under Sections 306, 452, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. It is the case of prosecution that, the Applicants alongwith co-accused namely Smt. Sunita Ahire and Smt. Mangal More assaulted deceased Ravindra Shinde on 24.05.2017 at about 11.00 a.m. The deceased was under the influence of liquor at that relevant time. Due to the said assault, deceased committed suicide by pouring Kerosene on his person and igniting it on 25.05.2017 at about 5.30 p.m. Ravindra

Shinde succumbed to injuries on 01.06.2017. The present crime is registered on 03.06.2017. After completion of investigation, police have submitted charge-sheet.

3. Perused the charge-sheet. It indicates that after the deceased Ravindra Shinde was admitted to District Hospital, Chandwad, a dying declaration was recorded by the concerned police officer, wherein he has stated that on 24.05.2017 at about 11.00 a.m. when he was under the influence of liquor, the Applicants alongwith other accused persons assaulted him and also gave threats to him. That due to the said threats, on 25.05.2017 at about 5.30 p.m., he poured Kerosene on his person and ignited it. There is another dying declaration which is recorded by the Special Executive Magistrate when the deceased Ravindra Shinde was taking treatment. The said 2nd dying declaration also mentions the same fact. The deceased succumbed to injuries on 01.06.2017. Prima facie, it appears that there was no instigation at the behest of the Applicants to the deceased Ravindra Shinde for committing the said act of pouring Kerosene on his person and igniting it.

4. In view thereof, the Applicants can be released on bail.

Hence, the following Order:

(i) The Applicants be released on bail in CR No. 93 of 2017 registered with Chandwad Police Station, Nashik on their furnishing PR

bond of Rs. 25,000/- each with one or two solvent local sureties in the like amount;

(ii) After their release from the jail, the Applicants shall attend the concerned Police Station every 1st Monday of the month between 10.00 a.m. to 2.00 p.m. till the conclusion of trial;

(iii) Applicants shall also attend all the dates before the trial Court;

(iv) Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

5. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)