

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2627 OF 2017

Sudhir Laxman Bote vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Shekhar Ingawale for the Applicant.

Mr. A.A.Palkar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 4th December, 2017

P.C.

1. This is an application under Section 439 of Cr.P.C. for bail in CR No.19 of 2017 registered with Murgud Police Station, Kolhapur under Section-302 read with 34 of the Indian Penal Code.

2. It is the prosecution case that the applicant and his family members are having agricultural fields adjoining to the field of the deceased Shri. Kerba Bote. That, on 14.4.2017 at about 3.00p.m. the applicants were carrying out the work of leveling of their agricultural fields by use of a tractor. In the said process soil was poured in the field of deceased Kerba Bote. There were altercations on the said ground between the deceased and his wife on one hand and the applicant and co-accused on the other hand. When the deceased and his wife proceeded to their house, it is alleged that, the accused No.1 Satappa P. Nartawadekar assaulted the deceased on his head with a stick and the

applicant assaulted with the aid of scythe on the right hand of the deceased. The deceased was immediately admitted to the hospital. The deceased succumbed to injuries on 15.4.2017 at about 8.50 a.m. The first information report is lodged by the wife of the deceased namely Smt. Chhaya Bote. During the course of investigation the applicant came to be arrested on 16.4.2017 and after completion of investigation the police have submitted the charge sheet.

3. Perused the charge sheet.

4. The Medical Officer has opined the probable cause of death as "Due to Cardio respiratory failure due to sub dural hematoma in left cerebral hemisphere and right parieto temporal region Hydrocephalus aspiration pneumonitis . The record indicates that the fatal blow was given by accused No.1 Satappa P. Nartawadekar which has resulted in causing the death of the deceased. Due to assault of the applicant the deceased has received CLW in between right little finger and right finger.

4. In view of the above, the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in CR No.19/2017 registered with Murgud Police Station, Kolhapur on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail the applicant shall attend the

Murgud police station on every first Monday of the month between 10.00 a.m. to 12.00 noon.

c) The applicant shall attend all the dates before the Trial Court.

d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

e) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.

f) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)