

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.1163 of 2017
[Nagnath Ashok Pund Vs. State of Mah., Risod PS, Distt. Washim]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. S. V. Sirpurkar, Adv., for the applicant.
 Mr. K. L. Dharmadhikari, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 05th December, 2017

The applicant who has been arrested in connection with Crime No. 267/2017 registered at Risod Police Station, Distt. Washim, for the offences punishable under Sections 302, 307, 323, 427 and 504 read with Section 34 of Indian Penal Code.

As per the First Information Report, the informant Vishal has stated that their family was owning a car which was parked in front of their house. On 22nd September, 2017 at about 7.30 p.m., the informant heard the noise of breaking of glass pane of the said car. On going out, it was found that one Vaijnath Pund and son of the present applicant were damaging the said car. On making enquiry, said Vaijnath inflicted a blow with a stick on the informant's head and Ganesh hit the informant's father with a sickle. Thereafter, it is alleged

that another son of the applicant - Nagnath and the applicant came there and assaulted the informant's father with kicks and fist blows. The informant's father subsequently succumbed to the injuries. Hence, a report came to be lodged.

It is submitted on behalf of the applicant that the only overtact alleged against the applicant herein is of assault by fist blows and kicks. The death was caused on account of a stab injury which is not attributed to the applicant herein. As no specific overtact has been attributed to the applicant, it is submitted that he is entitled for being released on bail.

The application is opposed by the learned Addl. Public Prosecutor by relying upon the reply. It is submitted that family of the applicant had assaulted the deceased resulting in his death. As the applicant was involved in the said crime, he does not deserve to be released.

Perused the First Information Report as well as the police papers.

The specific overtact of assault with a sickle is attributed to Ganesh. The cause of death is on account of a stab injury. Statements of witnesses merely indicate assault by kicks and fist blows by the applicant. Considering the cause of death and the role attributed to

the present applicant, I find him entitled for being released on bail.

Accordingly, the applicant who has been arrested in connection with Crime No. 267/2017 registered at Risod Police Station, Distt. Washim, for the offences punishable under Sections 302, 307, 323, 427 and 504 read with Section 34 of Indian Penal Code is directed to be released on bail on furnishing a Personal Bond of Rs. 30,000-00 [rupees thirty thousand only] with one surety in the like amount. The applicant shall co-operate with the investigation and shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding the present application, which is allowed and disposed of.

Judge