

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

BAIL APPLICATION NO.1325 OF 2018

Ajit Subhash Pawar		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Nitin P. Deshpande I/by Mr. Debajyoti Talukdar for the Applicant.
Mr. Rajan Salvi, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 8th August, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 3rd January 2018 in Crime No.5 of 2018, registered at Dattawadi Police Station, Pune for the offences punishable under Sections 302, 307, 323, 504 and 506 read with 34 of Indian Penal Code.

3 It is the case of the prosecution that on 2nd January 2018, Kunal Dilip Waghmare lodged a report at the police station alleging therein that on 1st January 2018, he had received an information from his cousin that his uncle namely Vijay alias Bapu was being assaulted in Janata Vasahat by some boys residing in that area namely Vicky Pawar, Ajit Pawar and Sagar Jadhav. He rushed to the spot and has seen all the three persons assaulting Vijay alias Bapu with fists and kicks blows. He had tried to intervene. At that juncture, he was abused and Sagar Jadhav had disclosed that he had asked Bapu to fetch alcohol from him and he had not obliged and therefore he was being assaulted. Sagar Jadhav had also attempted to strangle him. He had given fist blows on the face of Bapu. The present applicant and the co-accused had continued to assault Bapu with fist and kick blows. The first informant alongwith his associates had intervened and thereafter all the three had fled from the spot. Bapu was first taken to Sahara Hospital, then to Global Hospital and from there to Sasoon Hospital. He was unconscious for two days. He has succumbed to the injuries on 3rd January 2018.

4 Upon perusal of the post-mortem notes, it appears that Bapu had sustained abrasions and contusions. Cause of death is 'head injury'. It appears that when he was being assaulted with fist and kick blows, he had fallen on the ground and sustained under scalp hamatoma, which turned out to be fatal. Hence, Bapu was unconscious from the time he had fallen down.

5 In view of the above-mentioned facts, the applicant deserves to be enlarged on bail.

6 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

iii) Upon being released on bail within four weeks, the applicant shall give an undertaking to the police station that he would attend each and every dates at the time of trial.

iv) Upon failure to attend any two consecutive dates, the prosecution would be at liberty to file an application under Section 439(2).

v) The applicant shall give his address, cellphone number to the police station.

(Smt. Sadhana S. Jadhav, J)