

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

**BAIL APPLICATION NO.1391 OF 2018
ALONGWITH
CRIMINAL APPLICATION NO. 756 OF 2018**

Rajendra Devendra @ Devendra Applicants
Vasagadekar and Ors.

Vs.

The State of Maharashtra Respondent

Mr. Viresh V. Purwant for the Applicants.
Mr. Sharad T. Bhosale
Mr. S.H. Yadav, APP for the State.

***Coram : Smt. Sadhana S. Jadhav, J.
Date : 28th June, 2018***

P.C.:

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

2 This is an application under Section 439 Code of Criminal
Procedure. The applicants herein are arrested on 29th January 2018
in Crime No.12 of 2018, registered at Madha Police Station, Solapur,

for the offences punishable under Sections 147, 148, 149, 302, 323, 504, 506 read with 34 of Indian Penal Code. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that on 29th January 2018, Prashant Bhupal Vasgadekar lodged a report at the police station alleging therein that the applicant no.1 has his agricultural land in the village Nimgaon. That there were intermittent quarrels between the family of the applicant no.1 and the first informant over the issue of the way passing from their fields. That they had obstructed the father of the first informant from passing through his agricultural land. That on 28th January 2018, there was a quarrel between the first informant and the applicant no.1. That they had raised their voices. His parents had intervened to pacify both the sides. They had abused the first informant and his parents and that the applicant nos. 1, 2 and 3 had assaulted his mother with fists and kicks blows. His mother had become unconscious. Thereafter she was rushed to the hospital and declared dead. The dead-body of Nirmala i.e. the mother of the first informant was sent for autopsy.

The post mortem notes indicate that there were no external injuries on her person. The internal organs were intact and congested.

Column no.20 of the post mortem notes read as follows :

- a) Heart ventricles congested with blood and blood clots,
- b) Left anterior descending artery shows 70% block,
- c) Right coronary artery shows 60% block.

The cause of death recorded is “Death due to cardio respiratory arrest in case of Myocardial Infarction”.

4 Learned counsel for the applicants has rightly stated that infact there was a quarrel on both the sides. That she was not assaulted by anybody but it appears that in the course of altercation, she had fallen on the ground and had become unconscious. It is a matter of record that the applicants herein were not armed with any weapon. It was a simple quarrel in the village and unfortunately Nirmala had died.

5 Taking into consideration the papers of investigation more particularly the post mortem notes and the submissions advanced across the bar, the applicants deserve to be granted 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 applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.
- lii) The Intervention Application is heard, allowed and disposed of.

(Smt. Sadhana S. Jadhav, J)