

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2501 OF 2017***

Ganesh @ Bhaiyya Shreemant Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prashant Mohan Patil, for the applicant.
Ms. Veera Shinde, APP, for the State.
Mr. N.S.Nyamane, API, Hinjewadi Police Station, Pune City present.

***CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 17th January, 2018.***

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 3.7.2017 in Crime No.317 of 2017 registered at Hinjewadi Police Station, Pune. The investigation is completed and charge-sheet is filed against the applicant for the offences punishable under Sections 302, 324, 323 read with Section 34 of the Indian Penal Code.
2. It is the case of the prosecution that on 3.7.2017, Ajay Mohan Rangpise lodged a report at the police station alleging therein that on

2.7.2017, at about 9 p.m., he was informed by his sister Sarika Khalase that there was a quarrel with Raju Salve that when her cat had gone into their house, he had thrown the cat out of his house. There was an altercation between the Khalase family and the Salve family. The first informant had rushed to the spot. At that time, Sandipan Amol Balgude, Ganesh @ Bhaiya Shreemant Patil i.e. the applicant and Akash Monde were the persons quarrelling with his sister. According to the first informant, he was assaulted by fist and kick blows and the present applicant had assaulted him with a bamboo. It is alleged that at that time, his parents had told him to settle the quarrel and had intervened. According to the informant, the present applicant had assaulted his mother on back and on head with a bamboo. She fell down. They had called upon the doctor, but they asked them to admit her into a hospital. She was declared dead on admission. On the basis of the said report, Crime No.317 of 2017 is registered against the present applicant.

3. In the course of investigation, the investigating officer has called for the final of cause of death certificate. The Medical Officer of General Hospital Aundh, Pune has certified that Prabha Mohan Rangpise had died due to “Pulmonary edema associated with coronary

atherosclerosis”. The post mortem notes also do not indicate any other injury. In fact, the incident had occurred on the spur of the moment and it cannot be said that the applicant had intended to cause homicidal death. Column No.17 of the post mortem notes record that there was no injury. Hence, the applicant deserves to be enlarged on bail.

4. The observations are prima facie in nature and shall not be taken into consideration for the purpose of deciding the quashing of FIR, discharge application or at the time of trial.

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 of more solvent sureties in the like amount.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)