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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 3339 OF 2018**

1. Dada Maruti Zende .....Applicants  
2. Swati Dada Zende

V/s.

The State of Maharashtra .....Respondent

Mr. Machindra Patil, Mr. Vijay Garad h/f Mr. Amol Dhumal for the  
applicants

Smt. Rutuja Ambekar APP for the State

**CORAM : NITIN W. SAMBRE, J.**

**DATE : FEBRUARY 11, 2019.**

**P.C.**

Applicants are seeking regular bail in Crime No. 206/2018 registered with Natepute Police Station, Dist. Solapur Rural for offence punishable under Sections 302, 143, 147, 149, 323, 504, 506 of the Indian Penal Code.

2 The submissions are applicants are falsely implicated in the crime in question. It is informed that applicant no. 2 is already

ordered to be released on bail by the Sessions Court as such, application of applicant no. 2 is not pressed.

3 So far as allegation against applicant no. 1 are concerned, though eye witnesses attribute specific role alongwith other co-accused, considering the cause of death as could be noticed from the Post Mortem report i.e. fracture to ribs, it could be easily inferred that applicant is falsely implicated.

4 Needless to observe that as Post Mortem report was drawn on 02/08/2018 i.e. on the date of registration of offence, the Investigating Officer was well aware of the nature of injuries i.e. fracture to ribs on the date of registration of crime. The Investigating Officer has not investigated the offence keeping at the back of his mind the said fact. Other than fractured ribs, no other injury was noticed on the deceased.

5 What could be noticed is investigation was completely misdirected.

6 In the aforesaid background, applicant deserve grant of bail.

*(A) Applicant be released on bail in Crime No. 206/2018 registered with Natepute Police Station, Dist. Solapur Rural on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.*

*(B) Applicant shall not influence witnesses or tamper with evidence.*

*(C) If applicant is found in similar type of offence, prosecution will be at liberty to move for cancellation of bail.*

*(D) The Investigation papers and the copy of this order be placed before the Superintendent of Police who shall look into the matter and may issue appropriate instructions.*

7 Application stands disposed of.

**[NITIN W. SAMBRE, J.]**