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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 351 OF 2019**

1. Ram Tatyaba Walunj
2. Poppat Bhilka Kapadi
3. Mhatarba Nanabhau KapadiApplicants
4. Shivaji Genbhau Daund
5. Khandu Dattatraya Ware

V/s.

The State of MaharashtraRespondent

Ms. Mallika Ingale advocate for the applicants
Mr. A. A. Palkar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 1, 2019.

P.C.

Applicants are seeking regular bail in Crime No. 299/2018 registered with Manchar Police Station, Dist. Pune for offence punishable under Sections 302, 201, 143, 147, 149 of the Indian Penal Code. Applicant nos. 1 to 4 were arrested on 12/08/2018 whereas applicant no. 5 was arrested on 23/08/2018.

2 Deceased Ramdas on the date of incident i.e. 25/06/2018 claimed to be under influence of liquor and demanded more from the people present in hotel.

3 The prosecution case is all the applicants assaulted him and made him drown in a small water-body resulting into his death.

4 The learned counsel for the applicant submits that considering the cause of death and particularly the injuries as could be noticed from Post Mortem report, the case of the prosecution could be falsified as the cause of death is "Asphyxia due to wet-drowning".

5 If the statement of the witnesses are appreciated, what is noticed is, initially, it was not the prosecution case that the applicants have assaulted and murdered deceased, however, a detailed investigation demonstrate that applicants were implicated after period of almost 2 months.

6 Column 17 of the Post Mortem report speaks of minor injuries

and it further confirms presence of fluid of about 2 liters in the stomach of the victim which is sufficient to infer that at the relevant time, he victim has consumed liquor.

7 In the aforesaid background, if the case of the prosecution is appreciated, it is really difficult to infer that applicants have murdered the deceased. That being so, case for bail is made out. Hence, following order:

(A) Applicants be released in Crime No. 299/2018 registered with Manchar Police Station, Dist. Pune on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount.

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

8 Application stands disposed of.

[NITIN W. SAMBRE, J.]