

Anand

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

BAIL APPLICATION NO. 668 OF 2019

Deepak Narayan Lahange

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Aniket V. Ransubhe, Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.08.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-18 of 2017 registered with the Saphale Police Station, Palghar for the alleged offences punishable under Sections 302 & 506 of the Indian Penal Code.

3. Perused the papers. The Applicant is the father in-law of deceased - Dhanesh. According to the prosecution, the Applicant's daughter had lodged a complaint as against her husband - Dhanesh (deceased) with the police station and after lodging a complaint had

gone to stay at her parents house i. e. Applicant's house. According to the prosecution, the incident took place on 24.04.2017 at about 11.30 p. m., at the Applicant's house. It is alleged that Dhanesh (deceased) came to the Applicant's house alongwith his family members and started shouting why his wife i. e. the Applicant's daughter had filed a complaint with the Saphale Police Station, Palghar for assaulting her. Pursuant thereto, there was a verbal altercation between the Applicant and Dhanesh. According to the prosecution, the Applicant's wife and Dhanesh's mother tried to resolve the dispute, however, Dhanesh was upset that his wife – Anjali had lodged a complaint against him with the Police Station and accordingly threatened to kill his wife. Pursuant to the said threats, Dhanesh's wife – Anjali went in the room with her child. It is alleged that at that time, the Applicant went to the kitchen and brought a knife and assaulted Dhanesh in his abdomen with the said knife, pursuant to which, Dhanesh collapsed. The persons who were present at the spot including the Applicant took Dhanesh to the hospital, however, he succumbed to the injuries. The cause of death is stated to be 'Due to cardiorespiratory failure due to shock due to hemorrhage from injuries to large intestine'. Prima facie, it appears that the incident took place at the spur of the moment and is a result of a sudden quarrel which took place between the Applicant and Dhanesh. Whether or not the

offence would be one punishable under Section 302 of the Indian Penal Code or a lesser offence, is a matter which will be decided by the trial Court. The Applicant is in custody since May, 2017. Investigation is complete and charge-sheet is filed. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be released **on cash bail** in the sum of Rs. 5,000/-, **for a period of six weeks**;

(ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of Rs. 5,000/- with one or two sureties in the like amount;

(iii) The Applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted.

4. The Application is allowed in the aforesaid terms and is accordingly disposed of.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this

order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)