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

CRIMINAL BAIL APPLICATION NO.1350 OF 2019

1.	Deepak Kaluram Jadhav	
2.	Nilesh Kaluram Jadhav	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

Mr.Niranjan Mundargi, i/b Mr.G.P.Thote, for the Applicants.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.I-304 of 2018 registered with the Wada Police Station, Palghar, for the alleged offence punishable under Sections 302 r/w 34 of the Indian Penal Code.
3. Perused the papers. According to the complainant – Rupali Patil (Police Patil of village Kharivali, Wada), the incident took place on 25th

November, 2018, at about 7.30 p.m. She has stated that when she was at her residence, she heard shouts and screams from the house of Kaluram Jadhav (deceased). She has stated that being a Police Patil, she went to Kaluram's house to counsel him and on going there saw that the door was open and Kaluram was lying on the floor and that there was no movement. She has stated that when she asked Kaluram's wife, Kanchana, she disclosed that she had been for a wedding to Shirishpada and when she returned home, her husband (Kaluram) was refusing to take her in; that the applicants tried to explain to their father (Kaluram), however, he was in no mood to understand and hence a quarrel ensued between them; that her husband (Kaluram) assaulted her as well as the applicants, and being enraged with the said assault, the applicants assaulted Kaluram with a stick on his hands, legs, head etc., pursuant to which, Kaluram fell on the ground. Admittedly, the complainant is not an eye-witness to the incident. A perusal of the postmortem report in particular column no.17 shows that deceased – Kaluram suffered a blackish contused blunt trauma on left corist joint; blackish contusion on left dettoid, CLW on anterior aspect of right leg; CLW on anterior aspect of left leg, multiple blunt trauma on back extending from b/l scapula to lower back. No fracture was seen. The probable cause

of death is stated to be 'Acute Cardiorespiratory Failure in case of Acute myocardial infarction leads to death as sudden uncontrolled pressure from external source or either sudden hypertension”.

4. It also appears that in the said incident, the applicants have also suffered injuries, albeit simple. The applicant – Deepak has suffered multiple cut wounds on the right hand and applicant – Nilesh has suffered cuts on the right and left hands. The deceased's wife Kanchana has also suffered CLW on her right hand.

5. Having regard to the peculiar facts and circumstances of this case, it is doubtful whether the applicants would ultimately be liable for the offence punishable under Section 302 of the Indian Penal Code or would be liable for a lesser offence. Considering the aforesaid, the application is allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- each with one or two sureties in the like amount;

ii) The Applicants shall co-operate in the conduct of the trial.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.