

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

CRIMINAL BAIL APPLICATION NO.2321 OF 2019

Annaso Gangaram Shinde

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep U. Nikam, for the Applicant.

Smt. A. A. Takalkar APP for the Respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th December, 2019

P.C.:

1. The applicant is seeking bail in connection with C.R No. 228 of 2018, registered with Kupwad MIDC Police Station, District- Sangli, for offence punishable under Section 302 of the Indian Penal Code ('IPC' for short).

2. The applicant was arrested on 08th December, 2018. The case of prosecution is that, the complaint was lodged by the brother of deceased. On 08th December 2018, the complainant had received phone call from Police informing him that his cousin Dnyaneshwar Bamne was assaulted after tying him to pole. The injured was shifted to Civil Hospital, Miraj. The injured died. It is

alleged that, the applicant had assaulted deceased by stick which had nails on it.

3. The deceased is son-in-law of the applicant. It is the contention of the applicant that in the night of incident, the daughter of the applicant was assaulted by deceased. Deceased was the husband of the applicant's daughter. The applicant's wife was also assaulted by deceased. The applicant's daughter had sustained injuries and her statement was recorded in the form of dying declaration. Fortunately she has survived. It is submitted that, in retaliation or as right of private defence the deceased was assaulted by stick which was lying in the house.

4. The injuries sustained by the daughter of the applicant are part of the charge sheet. Eventually complaint was lodged at her instance against deceased. The wife of the applicant was also assaulted. The incident had occurred at spur of moment. In the situation which had arisen on the date of incident deceased was assaulted by stick. The applicant is aged about 59 years. He is in custody from the date of arrest. Further custody of the applicant is not necessary, case for grant of bail is made out.

ORDER

- (i) Bail Application No.2321 of 2019 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.228 of 2018, registered with Kupwad MIDC Police Station District- Sangli, on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned police station once in a month on every first Saturday between 10:00 a.m. to 12:00 noon till further order.

(PRAKASH D. NAIK, J.)