

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2655 OF 2019

Vinod Balasaheb Shinde, Age 38 years,
Occ.Driver, R/o.Lakkadkot, Tal.Yeola,
District Nashik.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Tushar N. Sonawane for applicant.

Mr.S.H.Yadav, APP, for State.

Mr.R.Y.Holgade, Police Naik, Yeola City Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th November 2019

PC :

1. The applicant is seeking bail in connection with CR No.73 of 2019 registered with Yeola City Police Station, Yeola, District Nashik for offences under Sections 302, 323, 504, 506 of Indian Penal Code. The FIR was lodged on 16th May 2019 by the brother of applicant.

2. It is alleged that on 14th May 2019 at about 9 pm, the applicant had visited the house of complainant and objected for the drums filled with water being kept in front of his door. He broke the said drums. The parents of the applicant then tried to convince him. At that time the applicant gave a blow by iron stick on the head of father. The father was admitted to the hospital and after about one

month from the date of incident, the father of applicant died. The investigation is complete and charge sheet is filed. The applicant is in custody from 17th May 2019.

3. Learned counsel for applicant submitted that there was no intention to kill. In a heat of moment and quarrel with the complainant and others, the father got assaulted. It is further submitted that the victim had died after a period of about one month. He pointed out the medical case papers relating to death wherein it is mentioned that patient got cardiac respiratory arrest. It is submitted that his father was aged about 70 years and there cannot be intention to murder his father.

4. Learned APP submitted that the incident is witnessed by several persons. The applicant has assaulted the victim. The post mortem report indicates that head injury can be the probable cause of death.

5. I have perused the documents. The incident had occurred suddenly on 14th May 2019. There was a quarrel on account of the drums filled with water being kept near the door of applicant. There was a quarrel between parties, but the father was assaulted. It was a single blow. The medical documents indicate that there was cardiac respiratory arrest. The cause of death mentioned in the post mortem report is that the death was caused probably due to the injury to head. The applicant is in custody from the date of arrest. Whether there was intention to murder the father is a debatable issue. Considering the factual aspects of the matter, the applicant can be granted bail on certain conditions. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2655 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.73 of 2019 registered with Yeola City Police Station, Yeola, District Nashik, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall not stay within the jurisdiction of Yeola City Police Station and shall furnish details of his place of residence where he would reside after being released on bail to the Investigating Officer;
- (iv) The applicant shall report the nearest police station once in a month on every first Saturday between 10 am and 12 pm;
- (v) The applicant shall attend the Trial Court proceedings regularly, unless exempted for some reason by the Trial Court.

(PRAKASH D. NAIK, J.)

MST