

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (BA) No. 677 of 2019

Ankush Bansod Vs. State Through P.S. Jaripatka, Nagpur City

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.N.Ali, Advocate for applicant
Mr. A.D. Sonak, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 9, 2019

4. The applicant herein has approached this Court for grant of bail as he stood arrested on 13/05/2019, in connection with FIR dated 13/05/2019, initially for offence under Section 307 of the Indian Penal Code, and then upon death of the victim under Section 302 of the Indian Penal Code.

2. The victim in the present case is the husband of applicant's sister. The backdrop in which the incident has taken place, according to the complainant i.e. the sister of the applicant, is that the deceased used to harass her after drinking liquor and on 12/05/2019, he had come in an drunken state and he was insisting upon the complainant to accompany him to attend a reception. When the complainant refuses to accompany him, the victim allegedly under the influence of liquor assaulted and abused the complainant. On the complainant informing her

parents and the applicant i.e. her brother about such behaviour of the victim, they visited her house and sought to tell the victim that he ought not to behave in such a fashion. According to the complainant, during the course of such interaction a quarrel ensued in which the applicant assaulted the victim.

3. Thereafter, it is alleged that at about 11.00 p.m. the applicant told the complainant that he would take the victim to the hospital and he would also try to put some sense in his head. Thereafter, it is stated that about about 1.30 a.m. the applicant returned home alone. In such a situation, the complainant called the police and then the applicant allegedly took the police to the spot of incident where the victim was found in an injured condition and he was taken to the Hospital. The victim died on the next day, due to injuries suffered by him.

4. In the backdrop of aforesaid complaint filed by the complainant, it is submitted by the learned counsel for the applicant that this is the only incident in which the applicant is alleged to be involved. He has no criminal antecedents and it is emphasized. On this basis, relief is sought on behalf of the applicant.

5. The learned APP has opposed grant of bail in the present case by pointing out that the investigation is still underway and applicant may not be released in the present case, but, a perusal of reply also shows that the stone which was allegedly used in the

incident by the applicant has been recovered and that his blood stained clothes have also been seized during the course of investigation.

6. In such a situation, looking to the peculiar facts and circumstances of the case, this Court is of the opinion that bail can be granted to the applicant by imposing certain conditions.

7. The present application is allowed and the applicant is directed to be released on bail on the following conditions :

a) The applicant shall furnish PR bond of Rs.25,000/- (Rs. Twenty Five Thousand) and surety in the like amount.

b) The applicant shall attend Police Station Jaripatka, Nagpur City once a week i.e. on Sunday between 10:00 AM to 5:00 PM till filing of charge-sheet.

c) The applicant shall cooperate with the investigation.

d) The applicant shall neither tamper with the evidence nor influence the witnesses.

8. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of bail granted to the applicant.

9. It is made clear that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE

MP Deshpande