

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1385 OF 2020

Pandharinath s/o Baburao Jadhav

Applicant

Versus

The State of Maharashtra

Respondent

Mr.N.S.Ghanekar, advocate for the applicant.

Mr.A.A.Jagatkar, APP for the Respondent.

CORAM : V.K.JADHAV, J.

DATE : 04th December, 2020.

PC :

1 The applicant - Pandharinath s/o Baburao Jadhav is seeking bail in connection with Crime No.0219/2020, registered with Khultabad Police Station, District Aurangabad, for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code.

2 Heard both sides.

3 The learned Counsel for the applicant submits that investigation is over for all practical purposes and formality of filing charge sheet is only remained. He submits that the applicant is in jail, in connection with present crime, since 03rd November, 2020. The learned Counsel submits that as per the allegations made in the complaint, deceased was addicted to liquor and as usual, particularly

on the date of incident, at about 2.00 p.m., deceased Krushna started abusing his wife under the influence of liquor and further started extending beating to the wife (informant) herein. However, co-accused Tulsabai, who happened to be mother of deceased Krushna, has tried to intervene in the matter. The informant ran outside the house, however, deceased Krushna chained the door from inside and started beating co-accused Tulsabai. The informant has called villagers and also her distant relative i.e. present applicant. It has been stated in the complaint that the applicant came to the spot after half an hour. That time, the door of the said house was chained from inside and deceased Krushna and co-accused Tulsabai were inside the house. Deceased Krushna was beating co-accused Tulsabai in the house itself. Consequently, the applicant has broken the main door of the house and entered inside. It has been alleged that thereafter the present applicant and even co-accused Tulsabai started beating deceased. The learned Counsel submits that as per the allegations made in the complaint, present applicant has extended beating to the deceased with the help of wooden plank below the waist. The learned Counsel submits that *prima facie* there is no evidence that the applicant was having intention to commit murder of the deceased. He submits that there is no criminal history. The applicant is ready to abide by the conditions, if imposed by this Court while releasing him on bail. He, therefore, submits that the applicant may be released on bail.

the ground that the investigation is in progress. Name of the applicant is mentioned in the First Information Report with specific role attributing to him. He, therefore, submits that the applicant may not be released on bail.

5 On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that the deceased, under the influence of liquor, started giving abuses to the informant and also extended her beating. The informant ran outside the house. However, since co-accused Tulsabai, who happened to be mother of the deceased, intervened in the matter, deceased Krushna started beating his own mother – co-accused Tulsabai in the house itself. He had chained the main door of the house from inside. It appears that the informant thereafter called the villagers so also the present applicant, who happened to be a distant relative. As per the allegations made in the complaint, the applicant has broken the main door of the house and entered inside. It further appears from the investigation papers, particularly the allegations made in the complaint, that the applicant has extended beating to the deceased by a wooden plank below waist and co-accused Tulsabai has extended beating with the help of wooden plank on the head of the deceased. Though the *post mortem* notes are not in the file of the learned A.P.P., however, the cause of death is “head injury”. *Prima facie*, I do not find any murderous intention on the part of the applicant. He is in jail since long. There is no criminal history. In view of the same, I am inclined

to release the applicant on bail with certain conditions.

6 Hence, the following order:

(I) Application is hereby allowed.

(i) The applicant - Pandharinath s/o Baburao Jadhav, in connection with Crime No.0219/2020, registered with Khultabad Police Station, District Aurangabad, for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code, be released on bail on his furnishing Personal Bond of Rs.5000/- (Rs.Five Thousand) with one surety of the like amount, on the following conditions:

(a) The applicant shall not tamper with the prosecution evidence, in any manner.

(b) The applicant shall attend the concerned Police Station as and when required by the Investigating Officer for carrying out further investigation in the crime, if any.

7 The application is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb