

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

CRIMINAL BAIL APPLICATION NO.3115 OF 2019

Gunga Pandurang Patil

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Niranjan Mundargi, i/b. Vikram R. Sutaria, for the applicant.
Mr. H. J. Dedhia, APP for the Respondent- State.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th January, 2020

P.C.:

1. The applicant is arrested as accused in C.R.No.172 of 2019 dated 10th May 2019 registered with Shahuwadi Police Station, Kolhapur, for offences punishable under Sections 302, 323, 324 and 504 of the Indian Penal Code ('IPC' for short). The applicant was arrested on 10th May 2019.

2. The prosecution case is that, on 10th May 2019, the first informant was taking his bullocks and agricultural equipments to his farm. While on his way, the accused came from opposite direction. He was having iron spade and scythe in his hand. When both of

them came in front of each other, the accused abused the first informant alleging that he attempted to put his cattle over him. The accused assaulted first informant with spade on his head. He also assaulted by scythe on his left thumb. At that time, neighbours gathered and intervened. Father of the complainant was approaching them. The accused chased him and he also assaulted the complainant by spade by giving blow on his head. The father of the complainant succumbed to the injury. The offence under Section 302 of the IPC was registered.

3. Learned advocate for the applicant submitted that the applicant is 73 year old person. There are no criminal antecedents against him. There was no intention to kill deceased. The incident had occurred at spur of moment. It was not pre-planned. The nature of injury of deceased is CLW, Laceration, Abrasion. The complainant had sustained simple injury. The accused did not intend to kill the victim. The applicant is willing to stay out of the jurisdiction of Police Station.

4. Learned APP submitted that, the applicant has assaulted two persons. One of them had succumbed to the injury. The applicant assaulted the complainant and deceased on head with spade. The

applicant also assaulted the complainant by scythe on his hand. There was no provocation from deceased to the applicant neither there was provocation from the complainant.

5. The applicant is in custody from the date of arrest. He is senior citizen. The incident had occurred when the complainant came across. Complainant was assaulted on the ground that he tried to put his cattle on the accused. Weapons were in the hand of the accused. The same were agricultural equipments. There was no pre-mediation to kill the victim. The postmortem report mentions the injury sustained by deceased in the nature of CLW over Scalp and Laceration over root of nose. The complainant had sustained Laceration, Abrasion by hard and blunt object which were simple in nature. Considering the age of the applicant and the circumstances as above he can be granted bail on certain terms and conditions.

ORDER

- (i) Bail Application No.3115 of 2019 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R.No.172 of 2019, registered with Shahuwadi Police Station, Kolhapur, on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

- (iii) Applicant shall not approach the victim or his relatives during the pendency of the Trial and shall not tamper with the evidence;
- (iv) The applicant shall stay out of the jurisdiction of Shahuwadi Police Station, Kolhapur till the conclusion of the trial.
- (v) The applicant shall furnish the details of his residence after he is released on bail to the Investigating Officer.
- (vi) The applicant shall attend the trial Court regularly, unless exempted by trial Court for some reason.
- (vii) Bail Application No.3115 of 2019 stands disposed of.

(PRAKASH D. NAIK, J.)