

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

CRIMINAL BAIL APPLICATION NO. 3384 OF 2019

1. Sunil Dattatray Jagtap
 2. Hanmant Haribhau Jagtap
 3. Ajit Krushna Jagtap
 4. Ranjit Maruti Jagtap
- ...Applicants

Versus

The State of Maharashtra

...Respondent

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Mr. Rahul k. Dhygude, Advocate for the Applicant.
Smt. Veera Shinde, APP for the state-respondent.
Mr. Swapnil Ghongade, API, Wathar Police Station, Satara, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 3rd January, 2020

PC :

1. The applicants were arrested in connection with C.R. No. 197 of 2019 registered with Wathar Police Station, Dist. Satara for offences punishable under Sections 302, 323, 504, 506, 143, 147 and 149 of Indian Penal Code.

2. The prosecution case is that the husband of the complainant was serving as driver on Milk Tanker. On 20th October, 2019 the informant's husband went to Mumbai and returned on 21st October, 2019. At that time the cloths were found stained. The informant inquired with him about the same. He stated that on 21st October,

2019, while he was coming towards Pimpode Budruk from Solashi at Jagtap Nagar while passing through road the tanker gave dash to the girl. People had gathered there. Out of them Sunil Jagtap and four others had assaulted him by kick/fist iron bar on his head, back, stomach, hands and neck. He sustained injuries on his ear, neck, hands, legs etc. The injured had died on 28th October, 2019.

3. Learned Counsel for the applicants submitted that vague role has been attributed to the applicants by the witnesses. The co-accused Hanmant Parshuram Jagtap has been granted anticipatory bail. He was attributed role of assaulting the deceased by footwear. It is submitted that there was no intention to commit murder. There were no external injuries. The victim had died after 7 days of incident. There are no criminal antecedents against the applicants. The cause of the incident is dash given to the girl by tanker driven by victim.

4. Learned APP submitted that there are eye witnesses to the incident. The applicants had participated in the assault. The applicant No.1 had abused and threatened the victim. The applicant No.2 had assaulted by fist and kick blows. The applicant No.3 used wooden log. The applicant No.4 had assaulted the deceased by fist and kick blows. It is submitted that the investigation is completed

and shortly charge-sheet would be filed.

5. The applicant No.1 was arrested on 31st October, 2019. The applicant No.2 to 4 were arrested on 4th November, 2019. It is noted that there were no external injuries on the person of the deceased. On account of dash given to the child the alleged incident had occurred and several persons had assaulted the victim. He died after 7 days of incident. Prima facie it appears that there was no intention to commit murder. There are no criminal antecedents against the applicants. Further custody of applicants is not required. In these circumstances, bail can be granted to the applicants.

6. Hence, I pass the following order.

ORDER

- i) Bail Application No. 3384 of 2019 is allowed;
- ii) The applicants are directed to be released on bail in connection with C.R. No. 197 of 2019 registered with Wathar Police Station, Dist. Satara on their furnishing P.R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount;

- iii) The applicants shall report concerned police station once in a month on first Saturday of month between 10.00 am. to 12.00 noon till further order.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)