

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

CRIMINAL APPLICATION (BA) NO. 1137 OF 2020

(Santosh Baliramji Lihare & 3 Ors. vs. State of Maharashtra thr. PSO, Pathrot, District -
Amravati)

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

Court's or Judge's orders.

Shri M.P. Kariya, Advocate for the applicants.
Shri H.D. Dubey, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 08, 2020.

Heard Shri Kariya, learned counsel for
the applicants and Shri Dubey, learned APP for the
non-applicant – State.

2. The applicants are seeking bail in Crime
No. 251 of 2020 dated 22.07.2020 for the offence
punishable under Sections 302, 506 and 201 read
with Section 34 of the Indian Penal Code, registered
by Pathrot Police Station, District – Amravati.

3. The applicant Nos. 1 to 3 are said to be
cousin brothers and applicant No. 4 is the real
brother of the deceased. The date of incident is
10.12.2019 while the First Information Report came
to be lodged on 22.07.2020 i.e. after seven months of

the incident. The reason for delay, as stated by the informant, is that he went to Madhya Pradesh as he was working as a conductor and as the deceased and the applicants were his relatives and on account of pressure, he could not inform earlier.

4. The probable cause of death as per communication dated 15.07.2020, received from the Department of Forensic Medicine, is "*Septicemia in a case of head injury with strangulation*". There is no firm opinion about the cause of death. The Post-mortem report also does not give any cause of death and the opinion was reserved.

5. The weapon used is a wooden stick and there are also allegations of strangulation, however, the deceased died after about 11 days of treatment in the hospital.

6. The prosecution could not point out any criminal antecedents against the applicants. The investigation is completed and the charge sheet is also filed.

7. Considering the delay in lodging FIR, coupled with the fact that there is no firm opinion about the cause of death, moreover, the deceased

died after about 11 days treatment and the nature of weapon used, the applicants deserve bail, however, on the stringent conditions.

In the circumstances, Criminal application is allowed on the following conditions :

(i) The applicants – Santosh Baliramji Lilhare, Jagdish Shriram Lilhare, Gajanan Ramlal Garale and Pravin Dadarao Garale, shall be released on bail on executing Personal Bond of Rs.30,000/- (Rs. Thirty thousand only) each with one surety each in the like amount.

(ii) The applicants shall not issue threats or tamper the prosecution witnesses.

(iii) The applicants shall attend Police Station once in a month on every first Thursday of the month.

Needless to mention that the observations made in this application are strictly for deciding the present application of the applicants for bail and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

JUDGE

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