

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 452 OF 2021

1. Kishor S/o Udhhav Dahifale,
Age : 38 Years, Occ. Agriculture

2. Sunil S/o Dilip Dahifale,
Age : 23 Years, Occ. Agriculture,

Both R/o Thakur Pimpalgaon,
Tq. Shevgaon, Dist. Ahmednagar.

..APPLICANTS

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station Shevgaon

..RESPONDENT

...
Advocate for the Applicants : Mr. S.S. Thombre
A.P.P. for Respondent-State : Mr. N.T. Bhagat
....

CORAM : SANDEEP K. SHINDE, J.

DATE : 12.07.2021

PER COURT :-

Heard learned counsel for the applicants and the learned
A.P.P for the State.

2. This is an application for pre-arrest bail.

3. Haribhau (deceased) died due to Cardio respiratory arrest
due to myocardial infarction. In column No. 17 of the *post*
mortem report, seven surface wounds and injuries were found

on the person of Haribhau. Complainant is a brother of Haribhau. He reported to the police that there was dispute and differences between Haribhau and the applicants. He reported that on 12th March, 2021, Haribhau was beaten by the applicants. However, the dispute was settled by the villagers. Complainant would say that on 19th March, 2021 Haribhau was again beaten by the applicants. Haribhau could not bear this shock and thus died of Cardio respiratory arrest. Whereafter crime under Sections 304, 341, 143, 147, 323 of Indian Penal Code was registered vide crime No. 136 of 2021 against the applicants.

4. Apprehending the arrest they are seeking the pre-arrest bail. *Post mortem* report of Haribhau shows probable cause of death was due to Cardio respiratory arrest but in column No. 17, eight surface injuries were found on the person of Haribhau.

5. Question is whether applicants had knowledge that their acts were likely to cause Haribhaus' death ? Material does not even suggest it. Besides, there is no material to connect the applicants to alleged beating. For the reasons stated, the application is allowed.

(i) In the event of arrest of the Applicants in connection with

Crime No. 136 / 2021 registered with Shevgaon Police Station, District Ahmednagar, they shall be released on bail on executing P.R. bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) each with one or two sureties in the like amount.

(ii) The applicant shall join the investigation as and when called by the Investigating Officer .

(SANDEEP K. SHINDE)
JUDGE

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