

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

926 BAIL APPLICATION NO.519 OF 2021

**BHAGWAT SAHEBRAO HANGE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Thombre S.S.
APP for Respondents/State : Mr. S.W. Munde
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 26th October, 2021**

PC.:-

Heard.

2. It is the case of the prosecution that the deceased Vilas Munde was a drunkard. On 04.12.2020 at 9.30 pm, the deceased came home in an inebriated condition and started vomiting. Accused no.1 who is the son of the deceased got so peeved because of the drinking habits of the deceased that he picked up an iron pipe and started beating the deceased with it. Soon thereafter, applicant who is the brother in law of the deceased (brother of wife of the deceased) also started beating the deceased with iron pipe. Thereafter, all the family members left him at that place only and in the morning informant who is the daughter of the deceased offered him tea, the deceased declined to have tea. At 2.00 pm, the condition of the deceased became

critical. Therefore, she called her brother who was at Nagapur at that time. On arrival of her brother Vikas Munde, the deceased was shifted to Government Hospital at Ambajogai. At 3.55 pm deceased was pronounced dead by the doctors. Thereafter, this FIR came to be lodged on the basis of which offence punishable under Section 302, 506 read with Section 34 of the I.P.C. came to be registered.

3. Learned counsel Shri Thombre for the applicant submits that Vikas Munde, another son of the deceased, had lodged A.D. report mentioning therein that the abdomen of the deceased was blown because of which he was taken to the hospital. The deceased died thereafter in the hospital. He submits that at that time nobody had raised any grievance about the deceased having been beaten by the applicant and son Rushikesh.

4. Learned APP Shri Munde submits that the deceased had sustained 22 multiple injuries. Informant is the daughter of the deceased. On her FIR offence came to be registered. He submits that the informant is the eye witness. Therefore, this not a case in which the discretion can be exercised.

5. It is not in dispute that on 05.12.2020 in the morning the informant offered tea to the deceased. The deceased declined to have tea. At 2.00 pm, condition of the deceased worsened, as a result of which Vikas

Munde was called from Nagapur. It appears that at that time Vikas Munde did not notice these injuries. Vikas Munde was absent at the time of the incident. It is unlikely that if the deceased had really been beaten by the applicant and son Rushikesh, informant and other family members would not have divulged the real incident to him. Initially, he lodged the report that the abdomen of the deceased was blown and he was not in a position to urinate. Charge-sheet is filed, therefore, detention of the applicant is not warranted. Therefore, having considered the two diagonally opposite versions of the prosecution, I am inclined to release the applicant on bail. In view of this following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.437 of 2020 under Section 302, 506 read with Section 34 of the I.P.C. registered with Ambajogai Rural Police Station, District Beed.
- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]