

BAIL APPLICATION NO. 534 OF 2021

Versus

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DATE : 03-07-2021.

01. Heard Shri Bhosle, learned Counsel for the Applicants and Mrs. Jape, learned A.P.P. for the State.

02. The applicants have filed this application under Section 439 of the Code of Criminal Procedure for seeking release on bail.

03. The allegations against the applicants are that the applicants were constructing their house near house of the informant. The applicants and their son Nitin used to drop the construction material in the premises of the informant. On that count, there was altercation between the applicants and Nitin on one hand and informant and his

family on the other hand. On the date of incident that is on 07.04.2021 at 7.00 PM accused Nitin came there and he was kicking the door of the informant's house. The deceased Mahendra opened the door and he went outside the house. At that time accused Nitin, stabbed the deceased with sword in the chest. The deceased collapsed and fell unconscious. The deceased was shifted to the hospital. The deceased was declared dead on arrival in the hospital. F.I.R. came to be lodged on 08.04.2021 at 2.03 AM, on the basis of which offences under Sections 302, 324, 323, 294, 504 and read with 34 of the Indian Penal Code came to be registered.

04. Heard Shri Bhosle, the learned Counsel for the applicant. He submitted that the applicants No. 1 and 2 are senior citizens aged 70 years and 65 years respectively. He submitted that they were neither armed with any weapon nor they assaulted the deceased informant or anybody from his family. Therefore, they deserve to be released on bail.

05. Mrs. Jape submitted that the applicants No. 1 and 2 were present at the spot and they were abusing the deceased. They shared common intention with accused No. 1

Nitin. She, therefore, submitted that the accused may not be released on bail.

06. On perusal of the papers annexed with the application it is seen that no role is ascribed the applicants. No overt act is attributed to them. They were simply present at the spot of the incident. Their role is restricted to the extent of abusing the informant and his family members. In view of this considering their age and pandemic situation I am inclined to release the applicants on bail. In view of this following order is passed :

ORDER

01. Application is allowed.

02. Applicants be released on furnishing P.R. Bond of Rs. 35,000/- (Rs. Thirty Five Thousand) each with one solvent surety each in the like amount and on condition that they shall not interfere with the investigation, they shall not pressurize the witnesses and shall remain present for investigation as and when required.

03. Application is disposed of.

[M.G.SEWLIKAR]

JUDGE

Dahibhate/-