

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

953 BAIL APPLICATION NO.597 OF 2021

**BHAURAO @ BHAVDYA ANNA MHASKE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Karpe Rahul R.
APP for Respondents/State : Mr. A.A. Jagatkar

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**CORAM : M.G. SEWLIKAR, J.
DATE : 21st August, 2021**

PC.:-

This is an application under Section 439 of the Cr.P.C. in connection with Crime No.954 of 2020 registered with Pathardi Police Station, District Ahmednagar for the offence punishable under Section 307, 302 of the I.P.C.

2. Informant is the cousin brother of the deceased-Sanjay. Applicant is the brother in law of the deceased-Sanjay. The deceased-Sanjay and his wife (sister of applicant) were not getting along well. Therefore, wife of the deceased had gone to her maternal place. Deceased had gone to the place of the applicant for bringing his wife back. At that time, it is alleged that applicant delivered a blow of spade on the head of the deceased. The deceased fell down. Thereafter, he made a call to one Amol (son of the

informant). Deceased informed the son of the informant about the incident. Immediately informant went to the place of the applicant. Deceased was found lying there. He was shifted to the hospital. Deceased breathed his last in the hospital. Initially, offence was registered under Section 307 of the I.P.C. on account of death of the deceased offence under Section 302 came to be added.

3. Heard Shri Karpe learned counsel for the applicant and Shri Jagatkar learned APP for the State.

4. Shri Karpe argued that there was discord between the deceased and his wife. Applicant delivered only a single blow. Inquest panchanama shows that the dead body did not have any injury on head. He submitted that deceased was habituated to drinking and in an inebriated state, he fell down and sustained the internal injuries. He submitted that applicant had no intention to kill the deceased. He wanted to only teach him a lesson and ensure that his sister would be maintained well by the deceased. He, therefore, prayed for releasing the applicant on bail.

5. Learned APP Shri Jagatkar argued that statement of son of the informant Amol is recorded. It is in accord with the FIR. He submitted that CDR details are also recorded which corroborate the story as narrated in the

FIR. Offence being serious in nature the applicant may not be released on bail.

6. Charge-sheet has been filed. There are no criminal antecedents against the applicant. Applicant delivered only one blow on the head of the deceased. Admittedly, relations between the wife and the deceased were not good. Since charge-sheet is filed, there is no possibility of tampering the evidence of the prosecution and since the applicant has roots in the society there is no possibility of his absconding. . In view of this and having regard to the pandemic situation created due to Covid-19, I am inclined to release the applicant on bail. Hence the 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.954 of 2020 under Section 307, 302 of the I.P.C. registered with Pathardi Police Station, District Ahmednagar.

[M.G. SEWLIKAR, J.]