

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1122 OF 2021

1. Kailas s/o Bhikaji Mote
 2. Ashok s/o Manikrao Nade
- Applicants

Versus

The State of Maharashtra

Respondent

Mr. N.S. Ghanekar, Advocate for the applicants.
Mr. V.M. Kagne, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 27th October, 2021.

PER COURT :

1. Heard.
2. Informant is the brother of the deceased. There was a quarrel between the deceased and his wife and the deceased had manhandled his wife. Applicant No. 1 Kailas , accused Vilas and accused Santosh are the brothers of wife of the deceased. They had been to the house of the deceased to find out the cause of beating their sister by the deceased. At that time, the deceased was taken in a room by accused Vilas. Deceased was being beaten by accused

Vilas and accused Santosh. Accused Santosh delivered a blow of stick on the ankle of the deceased. Applicants are alleged to have abused and criminally intimidated the deceased and his family members. The deceased was shifted to hospital where he breathed his last.

3. From the investigation papers it appears that investigation is on the verge of completion. Statements of witnesses are recorded. Weapons are recovered from the spot. Only formality of presenting charge-sheet seems to have been left.

4. From perusal of the papers forwarded by learned APP, it is seen that the only role attributed to the applicants is that of hurling abuses and giving criminal intimidation. Learned APP submits that statement of the informant under Section 164 of the Code of Criminal Procedure is recorded. He has stated that both the applicants assaulted the deceased. It appears that it is a vague statement. This statement does not make it clear as to by which weapon the deceased was assaulted by the applicants. Having considered the role attributed to the applicants, I am inclined to

release the applicants on bail. Applicants have no criminal antecedents. In this view of the matter, following order is passed :

ORDER

- i) Application is allowed.
- ii) Applicant No. 1 Kailas s/o Bhikaji Mote and applicant No. 2 Ashok s/o Manikrao Nade be released on PR Bond of Rs.15,000/- each with one solvent surety each in the like amount in connection with Crime No. 0464/2021 registered with Cantanoment (Chhawani) Police Station, Dist. Aurangabad, for the offences punishable under Sections 302, 326, 323, 504, 506 read with Section 34 of the Indian Penal Code.
- iii) Application is disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge