

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

916 BAIL APPLICATION NO.1183 OF 2021

**SOPAN S/O LAXMAN KOPARE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. A. D. Shinde, Advocate for the applicant
Shri. N. T. Bhagat, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 25th NOVEMBER, 2021**

PER COURT :-

1. Heard.
2. Informant is the second wife of the deceased Baburao. The name of first wife of the deceased is Zumbarbai. Applicant is the father of Zumbarbai. Accused Sonu is the son of Zumbarbai from the deceased Baburao.
3. On 9th June, 2021 at 9 p.m., deceased Baburao went to the house of his first wife Zumbarbai. Deceased Baburao did not come back. On the next day i.e. on 10th June, 2021 at 7 a.m., cousin of deceased Baburao came to the complainant at 7 a.m. and informed her that the

deceased was found in injured condition on Suregaon to Kolgaon road. When she went there, deceased was found in injured condition motionless. Deceased had multiple injuries. On suspicion she lodged report with the police, on the basis of which offence under Sections 302, 323, 201 read with Section 34 of the Indian Penal Code came to be registered against the applicant.

4. During investigation it transpires that deceased had come home drunk owing to which there was quarrel between Zumbarbai, accused Sonu and applicant on one hand and deceased on the other hand.

5. Shri. Shinde, learned counsel for the applicant submits that the only evidence against applicant is of recovery of blood stained clothes of applicant. Except this there is no other evidence connecting the applicant with the offence. Sonu is a juvenile in conflict with law. A stick is recovered from him. He submits that there is no eye witness to the incident. Distance with between the spot of incident and house of Zumbarbai is about 1 k.m. Only on suspicion

applicant is apprehended.

6. Learned APP Shri. Bhagat submits that Sonu had gone to the Police Patil in the night and had told him that there was a quarrel between deceased Baburao, applicant and Sonu as deceased had come home drunk and he was abusing. He submits that Sonu, the juvenile in conflict with law, had also stated that he and applicant had beaten the deceased. This shows his involvement in this offence.

7. Except the statement made by the juvenile in conflict with law to Police Patil there is no evidence to connect the applicant with the offence. Blood stained clothes and a stick are recovered from applicant and his grandson Sonu. CA report is not still produced. Deceased was found at a distance of 1 k.m. from the house of applicant. He was found lying in injured condition and motorcycle was also found lying there. Having regard to this scanty evidence against the applicant, I am inclined to release the applicant on bail. Applicant has no criminal antecedents. He is permanent resident of village Suregaon. I am, therefore,

inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 207 of 2021 under Sections 302, 323, 201, 34 of the Indian Penal Code registered with Kopargaon Rural Police Station, Dist. Ahmednagar.
3. Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp