

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 815 of 2021

[Vishal s/o Munnalal Kewat ..vs.. State of Maharashtra through P.S.O., P.S. Patur, Distt. Akola]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Sirpurkar, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 25-08-2021

The applicant is seeking bail in connection with Crime 130/2021 registered with Police Station, Patur, District Akola for the offences punishable under Sections 302, 504 read with Section 34 of the Indian Penal Code (IPC).

2. The incident occurred at 10.00 p.m. on 17-3-2021. The applicant allegedly assaulted his cousin Bunty with fists and kicks. Unfortunately, Bunty succumbed to the injuries suffered.

3. The material in the charge-sheet reveals that there is some dispute between families of the applicant and the deceased touching agriculture property. Statements of eye witnesses are to the effect that the

applicant came to the open space where the deceased and some others were playing Volleyball, a quarrel ensued, the applicant and the deceased entered into a scuffle and both were hitting each other with fist blows.

4. It is most unfortunate that a young life is lost. However, *prima facie*, there would be scope to argue that the offence, if any, may not fall under Section 302 IPC. While the deceased did suffer a head injury, there was no lethal weapon used and, *prima facie*, it may be difficult to spell out an intention to cause death or knowledge that by the act, death may be caused. The applicant has no antecedents and is not a flight risk. Considering the circumstances and the other relevant factors, a case for bail is made out.

5. The application is allowed subject to the following conditions.

(a) The applicant be released on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.

(b) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(c) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

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