

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 ANTICIPATORY BAIL APPLICATION NO.217 OF 2022

NITIN RAMCHANDRA DEORE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. K.C. Sant, Advocate for the applicant

Mrs. V.N. Patil-Jadhav, APP for respondent Nos.1 and 2

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15th MARCH, 2022

ORDER :

1 The applicant is apprehending his arrest in connection with Crime No.32/2022 dated 20.01.2022 registered with Sakri Police Station, Dist. Dhule, for the offence punishable under Section 302, 143, 147, 323, 504 of the Indian Penal Code, 1860 and under Section 37(1)(c) of the Maharashtra Police Act, 1951. It will not be out of place to mention here that this Court had granted interim protection to the applicant by a detailed order on 25.02.2022.

2 Heard learned Advocate Mr. K.C. Sant for the applicant and

learned APP Mrs. V.N. Patil-Jadhav for respondent Nos.1 and 2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report lodged by one Maya Shivaji Pawar would show that deceased was her cousin sister. Informant states that there was counting of voting for the Sakri Nagar Panchayat on 19.01.2022. Her mother was contesting the election from Ward No.11 and lost it. Around 6.00 p.m. when the informant was returning home, her mother called her and disclosed that the informant's brother Gotu @ Ravindra is being assaulted at Pimpalner road and she should reach the spot. Informant along with cousin sister Mohini Nitin Jadhav, informant's son, one Deo Babar and the informant went to the spot. They found that one Manish Gite, Ramesh Sarak, Utpal Nandre and other 5-6 persons were assaulting Gotu. They were teasing him for the defeat. Informant and her son as well as other along with her were requesting those persons, who were assaulting the brother, that they should not assault, but those persons started assaulting the informant and other persons. Cousin sister Mohini was assaulted on her stomach, head and back by kicks and fist blows. She fell down on the ground and then those persons fled away from the spot. The cousin sister had become unconscious and, therefore, she was taken to Rural Hospital, Sakri in

a rickshaw, but Doctor declared her dead after examining her. Then, the informant has lodged the report. Important point to be noted is that the name of the present applicant is not appearing in the First Information Report. The police papers show the Postmortem Report of Mohini. Two injuries have been noted in the column No.17 i.e. external injuries; one is Abrasion over upper third of anterior aspect of left leg and second is Contusion (confirmed on cut section) present over middle third of back of left thigh. There was no other injury discovered on external examination, so also, no injuries have been noted in the internal examination. The probable cause of death has been stated as - "Opinion reserved, till reports of chemical analysis and histopathological examination become available". Under such circumstance, it is to be noted that it is yet to be decided whether the death is homicidal or not. Whether it would attract Section 302 of the Indian Penal Code, is a question. Injury certificate of others appear to be stating that they had received simple injuries. Statements of witnesses have been recorded which are almost of the similar line of First Information Report. Statement of the informant has been recorded under Section 164 of the Code of Criminal Procedure. She has stated that her cousin sister was assaulted on her chest and private part. However, she has not stated who had given those injuries. Gotu's statement under Section 164 of the Code of Criminal Procedure has also recorded, who has stated about the presence of the present applicant but

no specific role is attributed to him. Therefore, taking into consideration the evidence, that is collected uptill now, the physical custody of the applicant is not required for the purpose of investigation. He deserves to be released on bail. The interim protection granted earlier by this Court deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to applicant vide order dated 25.02.2022, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. **Nitin Ramchandra Deore**, in connection with Crime No.32/2022 dated 20.01.2022 registered with Sakri Police Station, Dist. Dhule, for the offence punishable under Section 302, 143, 147, 323, 504 of the Indian Penal Code, 1860 and under Section 37(1)(c) of the Maharashtra Police Act, 1951, he be released on P.R. of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

3 Applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

4 He should cooperate with the investigation and shall remain present before the Investigating Officer, on every Monday and Thursday, between 10.00 a.m. to 02.00 p.m., till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)

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