

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

BAIL APPLICATION NO. 609 OF 2022

Siddheshwar Budhappa Deokar

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. M.P. Gandle, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATE : 14th JULY, 2022**

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 123 of 2021 registered with Peth Beed Police Station, Dist. Beed for the offences punishable under Sections 302, 143, 147, 148, 149, 323, 504, 506 and 427 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by widow of the deceased. It appears that there was quarrel between the son of the deceased and Shivilal (Accused No.2), since while riding his motorbike, Shivilal had knocked down the motorbike of the son of the informant. There was, therefore, petty quarrel

that time. On the same day by 07.30 p.m., the applicant alongwith four others came outside the house of the informant and started abusing his family members. All of them came out and questioned as to why did they abuse them. Thereupon, Shivilal assaulted on the head of the deceased with a stick. The applicant allegedly assaulted the deceased on his legs, back and chest. The F.I.R. further indicates that again Shivilal gave one more stick blow on the head of the deceased.

4. Postmortem report indicates the cause of death as 'head injury'. As such, Shivilal may not be entitled for bail. The applicant is sought to be connected with the offence of murder punishable under Section 302 by invoking Section 149 of the I.P.C. It is true that he had assaulted the deceased on the other part of the body. Since his criminal liability is sought to be invoked relying on Section 149 of the I.P.C., and he has been behind the bars for little over one year, the Court is inclined to grant him bail

5. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 123 of 2021 registered with Peth Beed Police Station, Dist. Beed for the offences punishable under Sections 302, 143, 147, 148,

149, 323, 504, 506 and 427 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(IV) The applicant shall not enter the Beed town for six months.

(R.G. AVACHAT, J.)

SSD