

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

925 ANTICIPATORY BAIL APPLICATION NO.867 OF 2022

DNYANESHWAR PRAKASH MALACHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Patil Jitendra Vijay.
APP for Respondent-State : Mr. V. M. Kagne.
...

CORAM : S. G. MEHARE, J.
DATE : 26.07.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The Court has discussed the facts in detail in the order dated 07.07.2022. The FIR itself reveals that during the quarrel, the deceased fell on stone and sustained the head injury. Considering the prosecution case itself, it seems to be an incident arising out of the quarrel. The deceased fell down as she was pulled and pushed in the quarrel. The prosecution has objection to grant the bail on the ground that the offence is serious. Therefore, the custodial interrogation of the applicant is necessary.

3. As discussed above, the deceased fell down in the quarrel and sustained the head injury. There are no overt act at the hands of the applicant in causing the death of the deceased. The prosecution has no material to satisfy the Court that the custodial interrogation of the applicant would serve the purpose.

4. In the light of the facts and circumstances of the case, this Court is of the view that the application deserves to be allowed. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the applicant by order dated 07.07.2022 is confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

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vmk/-