

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

BAIL APPLICATION NO.1025 OF 2022

Sachin Sudamrao Khatkale

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. Shaikh M.A. Jahagirdar, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 17th AUGUST, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.I-371/2021, registered at Kopargaon Rural Police Station, District Ahmednagar for the offence punishable under Sections 302, 341, 349, 323, 504 read with Section 34 of the Indian Penal Code.

2. The F.I.R. has been lodged by one Kundan on 29/10/2021. The informant was serving as a Cleaner on a vehicle of Indo Construction, Delhi. He worked when the

construction work of Samruddhi National Highway was underway. The informant was, therefore, at Site No.507. By 7.00 p.m., at village Bhojade, two persons intercepted their vehicle – Boom Pressure. The driver thereof, therefore, got down. Those two persons told the driver that the vehicles were not allowed to pass by that road. He questioned him as to why did he come there. One of the two gave a kick on stomach of the driver. As a result, the driver fell down. Both of them thereafter beat him up with fists and kicks. One of them was the present applicant Sachin and the another was one Nitin Pawar. The applicant herein had contacted the informant on cell phone and informed that the vehicle driver behaved with him arrogantly. After a while, both the applicant and the co-accused left. The driver took the vehicle in a reverse direction. He felt uneasy. The vehicle, therefore, was stopped. There was froth at his mouth. He was, therefore, immediately rushed to the hospital whereat he was declared dead on admission. Based on the report lodged by Kundan Mahanto, the present crime came to be registered.

3. Until filing of the charge sheet, the cause of death was not ascertained. Now the learned A.P.P. places on record opinion given by the Medical Officer, Rural Hospital, Kopargaon. In view of the said certificate, the deceased met

with a natural death. Histopathology report on record indicates the deceased died of congestion and partial autolysis of lung sections. It is informed that, the assault and the cause of death have no connection inter-se. Since the Medical Officer has opined the deceased to have met with natural death, and the fact that on investigation the charge sheet has been filed, the Court is inclined to grant the application. Hence the order :-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.I-371/2021, registered at Kopargaon Rural Police Station, District Ahmednagar for the offence punishable under Sections 302, 341, 349, 323, 504 read with Section 34 of the Indian Penal Code on his 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 in any manner.

**(R. G. AVACHAT)
JUDGE**

fmp/-