

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

BAIL APPLICATION NO. 1094 OF 2022

Ranjit Vitthalsingh Gomladu

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. S.S. Jadhav, Advocate for applicant

Mr. A.V. Deshmukh, A.P.P. for respondent - State

....

CORAM : R.G. AVACHAT, J.

DATE : 22nd AUGUST, 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. 181 of 2022 registered with Khultabad Police Station, Dist. Aurangabad for the offences punishable under Sections 302, 504 and 506 read with Section 34 of the Indian Penal Code ('I.P.C.').

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

3. The F.I.R. has been lodged on 01st May, 2022 in relation to the incident that took place on 17th April, 2021 by brother of the deceased - Satish. It is the case of prosecution that Satish had a bore well machine. He

would run the same as profession besides agriculture. On 18th April, 2022, the informant was told by his cousin – Arjun that there was a quarrel between the applicant and deceased - Satish at Azampur Phata and Satish has been rushed to the hospital. The informant, therefore, rushed to Ghati hospital. Deceased – Satish told the informant that while he was taking bore in a well, the applicant and his father asked the deceased to pay them some money. He declined. The applicant, therefore, abused him. Both, the applicant and his father beat up the deceased with pipes and went away. Satish died on 30th April, 2022. F.I.R., therefore, came to be filed.

4. Learned counsel for the applicant would submit that on investigation, charge-sheet has been filed. Report under Section 169 of Code of Criminal Procedure has been filed against father of the applicant. The same falsifies the claim in the F.I.R. that the applicant and his father had assaulted the deceased. Postmortem report indicates the deceased died due to complications following blunt trauma to abdomen. As such, it is not a case of murder. He, therefore, urged for grant of application.

5. Learned A.P.P would, on the other hand, submit that the applicant had beaten up the deceased mercilessly. The cause of death is attributable to the assault made by the applicant. He, therefore, urged for rejection of the application.

6. Considered the submissions advanced. The incident took place on 17th April, 2022. The F.I.R. has been lodged thirteen days thereafter. The F.I.R. indicates that deceased – Satish took discharge from the hospital against medical advise. He would visit the hospital of Dr. Shastri everyday. Since there was no improvement in his health, Satish was later on admitted at Ghati Hospital, Aurangabad. He died on 30th April, 2022. The cause of death is, “complications following blunt trauma to abdomen”. The eye witness account indicates that both, the deceased and the applicant alongwith others were playing cards at the relevant time. It was a gambling. A quarrel issued between the applicant and the deceased over money. Both of them started beating up each other. They also pelted stones at each other. Then the deceased fell unconscious. True, there is material to indicate the applicant to have had assaulted the deceased. The deceased died after thirteen days of the alleged incident. He did not take regular treatment by remaining indoor patient in the hospital. Complications appear to have been developed and he succumbed thereof. During trial of the case only it would reveal whether it is an offence punishable under Section 302 of the I.P.C. The Court is, therefore, inclined to grant the applicant bail.

7. 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 on bail, in connection with Crime No. 181 of 2022 registered with Khultabad Police Station, Dist. Aurangabad for the offences punishable under Sections 302, 504 and 506 read with Section 34 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.

(R.G. AVACHAT, J.)

SSD