

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

BAIL APPLICATION NO.1095 OF 2022

Prabhudas s/o Amarnath Pardhe ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. N.S. Ghanekar, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 14th SEPTEMBER, 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.134/2022, registered at Cidco Police Station, Aurangabad for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. The First Information Report (F.I.R.) has been lodged by Nadim Shah on 22/3/2022. The informant has been serving as a Security Guard with Dhoot Hospital. He came home by 7.00 p.m. on 21/3/2022. His sister-in-law (wife of his brother) came home to tell him that his brother

was being beaten up. She asked him to accompany her to the place of the incident. She told him that, Sunil, Manoj, Prabhdas and Sagar Pardhe were beating up the informant's brother. The informant, therefore, went to the place of the incident to see co-accused Sunil to have pressed Salim's neck. Salim had fallen down. Crowd had gathered there. The reason for the incident is said to be, Sunil to have been abused by the informant's brother. The informant had intervened to separate his brother from the assailants. With the assistance of one Ganesh Satdive, the brother of the informant was shifted to M.G.M. Hospital. Co-accused Manoj assured to bear the medical expenditure of the victim. Unfortunately, the victim succumbed to the injuries suffered.

3. The post mortem report indicates the cause of death to be head injury. The opinion was, however, reserved pending C.A. reports regarding viscera.

4. The learned A.P.P. has strong reservations to grant the applicant bail.

5. The applicant herein is father of accused Nos.1 to 3. He is around 50 years of age. The applicant is alleged to have assaulted the deceased with fists and kicks. Considering his role in the alleged offence, and the fact that on

investigation, charge sheet has been filed, I am inclined to grant the applicant bail. Hence the order :-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.134/2022, registered at Cidco Police Station, Aurangabad for the offences punishable under Section 302 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.

(R. G. AVACHAT, J.)

fmp/-