

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

BAIL APPLICATION NO. 1143 OF 2022

Narendra Sadashiv @ Babasaheb Sudrik ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Rahul R. Karpe, Advocate for applicant
Mr. R. B. Bagul, APP for respondent - State

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WITH

CRIMINAL APPLICATION NO. 2598 OF 2022

Sunil Janu Mule ... Applicant
Versus
Narendra Sadashiv @ Babasaheb Sudrik & Anr. ... Respondents

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Mr. S. R. Zambare, Advocate for applicant
Mr. Rahul R. Karpe, Advocate for respondent No.1
Mr. R. B. Bagul, APP for respondent No.2 - State

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CORAM : R. G. AVACHAT, J.

DATED : 22nd AUGUST, 2022

PER COURT :-

. Criminal Application No. 2598 of 2022 is allowed. The original complainant is permitted to assist the learned APP.

2. 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.0365/2022, registered at Karjat Police

Station, District Ahmednagar, for the offences punishable under Sections 302, 323, 109 read with 34 of the Indian Penal Code.

3. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by the brother of the deceased on 26.05.2022. It is his case that his brother Dattatray (deceased) had married Deepika 3 - 4 years before. The couple is blessed with two children. There was extra marital relationships between Deepika and one Sachin. The deceased had learnt about the same. Therefore, there used to be a frequent quarrel between the two.

The applicant herein is the brother of Deepika. He along with his brothers had come to the village and took Deepika and elder son Soham to their house.

4. The incident took place on 26.05.2022. The applicant, his brothers (co-accused) had come to the village in a 407 tempo, carrying some 25 boys therein for a religious function in relation to a death anniversary. The deceased intercepted the tempo and requested the tempo driver and the brothers of Deepika to give back him his son Soham. When they did not listen, he climbed the bonnet of the tempo and started giving fist blows on the wind screen. The

vehicle was therefore stopped. Dattatray was assaulted. The tempo started. Deceased opened the cleaner side door of the tempo and clinged to on it. It is also the case of the prosecution that the applicant and co-accused threatened to kill the deceased. The tempo driver did not stop the tempo. He continued to proceed in a moderate speed. The deceased lost his balance. He fell of the tempo. The tempo driver, in spite of having aware of all these happenings, ran the tempo over the body of the deceased. He (Dattatray) succumbed to the injuries.

5. The learned Advocate for the applicant would submit that it is a case of accidental death. The deceased was responsible for his own death. The deceased was responsible for the accident. There was matrimonial discord. A false FIR, therefore, came to be lodged. Similarly placed co-accused have been granted anticipatory bail. He, therefore, urged for grant of application.

6. The learned APP would, on the other hand submit that the investigation is not complete. There is eye witness account to indicate that the deceased was intentionally ran over. He, therefore, urged for rejection of the application.

7. Perused the FIR and the related papers. This Court had expressed disinclination to grant bail to the driver of the tempo. His application was therefore withdrawn. Similarly placed co-accused have been granted anticipatory bail. The applicant is behind the bars for little over two months. Considering the fact that the similarly placed co-accused have been granted bail, this Court is inclined to grant the applicant regular bail. Hence following order.

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0365/2022, registered at Karjat Police Station, District Ahmednagar, for the offences punishable under Sections 302, 323, 109 read with 34 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS