

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

**BAIL APPLICATION NO. 1157 OF 2022**

Bhimrao Alias Nitin Nandakishor Nemane

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....  
Mr. S.C. Arora, Advocate for applicant  
Mr. R.B. Bagul, A.P.P. for respondent - State  
....

**CORAM : R.G. AVACHAT, J.  
DATE : 24<sup>th</sup> 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. 40 of 2022 registered with Nanalpeth Police Station, Dist. Parbhani for the offences punishable under Sections 302, 143, 147, 148, 149, 323 and 504 of the Indian Penal Code.

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

3. The F.I.R. has been lodged by mother of the deceased on 14<sup>th</sup> February, 2022. There was some prelude to the offence in question. The

informant's family and that of her brothers-in-law have a dispute over a road on way to their respective residence. A quarrel had, therefore, ensued by 02.00 p.m. on 13<sup>th</sup> February, 2022. The incident in question took place little past 06.00 p.m. on the same day. The applicant and co-accused had allegedly assaulted Datta on the road in front of a shop 'Parivartan'. The applicant herein is alleged to have assaulted on the neck of the deceased with a razor. The postmortem report indicates the deceased suffered injury in the nature of CLW on the right side of neck. Statement of one Pandurang Chopade under Section 164 of the Code of Criminal Procedure indicates that it was co-accused – Deepak, who assaulted on the head of the deceased with a tile (फरशी). The postmortem report indicates the deceased died of head injury with hypovolemic shock (loss of blood). The applicant is noway related to the informant's family, therefore, cannot be said that he had an intention to kill the deceased on account of the dispute over a way. The applicant is twenty-one years of age. He is behind the bars for little over six months. On investigation, charge-sheet has been filed. The Court is, therefore, inclined to grant him bail although learned A.P.P. has strong objection to allow the application since it is a serious offence and the applicant and co-accused contributed to the cause of death of the deceased.

4. 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, in connection with Crime No. 40 of 2022 registered with Nanalpeth Police Station, Dist. Parbhani for the offences punishable under Sections 302, 143, 147, 148, 149, 323 and 504 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 attend the concerned police station once a week i.e. on every Sunday by 12.00 noon for next eight months.

(IV) The applicant shall not tamper with the prosecution evidence.

**( R.G. AVACHAT, J. )**

SSD