

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

BAIL APPLICATION NO.1222 OF 2022

Sanjay Raosaheb Gatkal

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.A.D.Ostwal, Advocate for applicant

Mr.D.R.Kale, Public Prosecutor for respondent-State, assisted by
Mr.S.C.Swami, Advocate for intervenor

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 12, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0143 of 2022 registered with Bidkin Police Station, Dist. Aurangabad, for the offences punishable under Sections 302, 307, 324, 323, 504 and 506 read with Section 34 of Indian Penal Code.

2. Heard learned counsel appearing for the parties.

3. The First Information Report (FIR) has been lodged by the mother of deceased – Santosh on 10.04.2022. It is her case that she heard cries of her son, Santosh, by 06.00 p.m. on 08.04.2022. She, therefore, rushed towards Maroti Mandir in the village. She witnessed

that the applicant and his two sons were beating up Santosh with fists and kicks. On enquiry with the applicant, he told the informant that Santosh would stare at their residence consistently. He had, therefore, reasoned with Santosh. He, however, did not listen. The applicant and his sons continued to be beat up Santosh. The co-accused – Jeevan assaulted on Santosh's head with iron rod. The applicant and the co-accused continued to beat up inspite of Santosh suffered external injuries to his head. Some villagers gathered. They rescued Santosh. Santosh was brought to hospital at Bidkin. Then, he was shifted to Aurangabad for better treatment. He, however, succumbed to the injuries on 12.04.2022. On investigation, charge sheet came to be filed.

4. Learned counsel for the applicant would submit that all the male members of the applicant's family have been implicated in the crime in question. The FIR has been lodged two days after the alleged incident. The deceased would stare at the applicant's daughter-in-law. Some time before the incident, the applicants daughter-in-law had returned home from the field. The deceased – Santosh blinked at her. He even asked her to give her cell phone number. She, therefore, told the same to the applicant and her

brother-in-law. They, therefore, went to the deceased – Santosh to reason with him. A quarrel, therefore, ensued. The applicant's daughter-in-law has lodge an FIR on the same day against the deceased. According to learned counsel, on investigation, charge sheet has been filed. It will take time for commencement and conclusion of the trial. He, therefore, urged for grant of bail.

5. Learned APP and learned counsel for the intervenor would, on the other hand, would submit that Santosh was beaten up mercilessly. The trial Court may be requested to conclude the trial within a time frame. They, therefore, urged for grant of bail.

6. Perused the FIR and the related papers. The deceased died of the head injury. The head injury is attributed to co-accused – Jeevan. The applicant is 55 years of age. The reason behind the incident appears to be the deceased to have been after the applicant's daughter-in-law. Some time before the incident, he had blinked at the daughter-in-law of the applicant and even asked her to give him cell phone number. The daughter-in-law, therefore, related everything to the applicant and his sons. The incident is said to be a fall out of the same.

7. Considering the role of the applicant in the alleged offence, his age and the fact that on investigation, charge sheet has been filed, I am inclined to grant bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0143 of 2022 registered with Bidkin Police Station, Dist. Aurangabad, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount, for the offences punishable under Sections 302, 307, 324, 323, 504 and 506 read with Section 34 of Indian Penal Code.

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

(iv) Until conclusion of the trial, the applicant shall not enter village Jalgaon, Tq. Paithan, Dist. Aurangabad.

[R.G. AVACHAT, J.]

KBP