

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

BAIL APPLICATION NO.1422 OF 2022

1. Shubham s/o Vijay Sable
2. Anita w/o Vijay Sable **... APPLICANTS**

VERSUS

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

.....
Mr. S.S. Gangakhedkar, Advocate for applicants
Mr. A.V. Deshmukh, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 26th SEPTEMBER, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.306/2021, registered at Ardhapur Police Station, District Nanded for the offences punishable under Sections 302, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. The First Information Report (F.I.R.) has been lodged by the son of the deceased Narayan Sable on 6/11/2021. It has been averred in the F.I.R. that, the present

applicant had caught-hold of the deceased Narayan; and Vijay, who is not before this Court, assaulted the deceased on his head with the stone. The deceased was, therefore, rushed to the hospital of Dr. Jade.

3. On investigation, the charge sheet has been filed. Surprisingly, there is no cause of death certificate made part of the police papers. The criminal liability of the applicants is sought to be invoked with the aid of Section 34 of the Indian Penal Code. Murderous assault has been attributed to co-accused Vijay.

4. The applicant No.2 is female. The applicant No.1 is just 21 years of age. Considering the gender of applicant No.2 and age of applicant No.1, and their role in the alleged offence, and also the fact that both of them have been behind the bars since November 2021, this Court is inclined to grant them bail. Hence the order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicants be released on bail in connection with Crime No.306/2021, registered at Ardhapur Police Station, District Nanded for the offences punishable under Sections

302, 323, 504, 506 read with Section 34 of the Indian Penal Code on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

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

(R. G. AVACHAT, J.)

fmp/-