

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1698 OF 2022

KRISHNA RANGNATH SAPKAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Devdatt P. Palodkar
APP for Respondent : Ms. V. S. Choudhari
...

CORAM : S. G. MEHARE, J.

DATE : 18-11-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.
2. The learned counsel for the applicants would submit that before the alleged incident, the deceased/uncle of applicants asked the mother of the applicants that he wanted to sleep with her. The mother of the applicants scolded the deceased when asked her to sleep with her. Then applicants learnt that deceased misbehaved with their mother. They went to his home and the incident happened. The applicants have no intention to kill him. But untoward incident happened and deceased died due to puncture in abdomen. He would also argue that the chargesheet has been filed. The applicants have no antecedents to their discredit.

3. The learned A.P.P. has opposed the application. She would refer to the injury certificate and argue that the cause of death is puncture to the abdomen. The injuries were caused due to overt act of the applicants. The injury was sufficient in ordinary course of nature to cause the death. The applicants were not supposed to use such a heavy force that cause the death of the deceased. The applicants and the witnesses of the incident are the relatives. They may tamper with the prosecution witnesses. Hence, the applicants may not be granted bail.

4. The applicants have admitted the facts. The report was lodged against the deceased by mother of the applicants alleging that deceased asked her that he wanted to sleep with her. Hence scolded her. Thereafter, present incident happened. Spontaneous reaction in the fit of anger cannot be ruled out. At this juncture, it would be inappropriate to draw the inference of intention. The applicants are 24 and 22 years old having no antecedents to their discredit. They are languishing behind bar since 05.07.2022. Considering over all facts of the case, the applicants may be granted bail. Hence, the following order :-

- i) The application is allowed.
- ii) Applicant Nos. (1) Krishna s/o. Rangnath Sapkal and (2) Kiran Rangnath Sapkal be released on bail, on furnishing PB and SB of Rs.15,000/- with one solvent surety of the like amount each, in

C.R.No. 0163 of 2022 registered with Ajintha Police Station, District Aurangabad, for the offences punishable under Sections 304, 325, 323, 504 read with Section 34 of the Indian Penal Code, on the conditions that (a) they shall not tamper with the prosecution witnesses; (b) they shall not to enter in the property of deceased in any way or mode.

(S. G. MEHARE)
JUDGE

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