

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

**BAIL APPLICATION NO.1817 OF 2022**

1. Shivling Venkatrao Gayangi
2. Priyadarshan Shivling Gayangi ...Applicants

Versus

The State of Maharashtra ...Respondent

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Advocate for Applicants : Mr. Sikchi Aditya N. & Mr. Jakkalwar  
Gajanan M.

APP for Respondent/State : Mr. A.A. Jagatkar

...

**CORAM : S.G. MEHARE, J.**

**DATED : 25<sup>th</sup> NOVEMBER, 2022**

**PER COURT:-**

1. Heard learned counsel for the applicants and learned APP for the State.
2. The FIR reveals that the applicant Shivling hold the deceased and applicant Pridarshan beat the deceased with kicks and blows. In the assault, the deceased died.
3. Learned counsel for the applicants would submit that the applicants are behind the bar since 31.03.2022. In view of the allegations, it cannot be said that it was an intentional act. It was just a quarrel between two neighbours. The deceased was working with applicant no.1. There are no antecedents to the discredit of the

applicants. They are ready to abide by the conditions, if any, imposed while enlarging them on bail.

4. Learned APP has strongly opposed the application. He would argue that due to the overt acts of the applicants, the deceased died instantaneously. The applicants are the neighbours of the witnesses. Hence, that may be harmful to release the applicants on bail.

5. Perused the papers placed before this Court. Unfortunately, the medical officer had reserved the final opinion as to the cause of death. However, the investigation officer has not collected the final opinion as to the cause of death till date. It appears that it was a quarrel between the deceased and the applicants, the applicants assaulted the deceased but unfortunately he died instantaneously. The applicants have no antecedents to their discredit. However, the apprehension of the prosecution of tampering the prosecution witnesses can be guarded by imposing certain conditions. The applicants have good case for bail. Hence, the following order :

### **ORDER**

- (i) Bail Application is allowed.
- (ii) The applicants, Shivling Venkatrao Gayangi and Priyadarshan Shivling Gayangi, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) each with one solvent surety in

(3)

the like amount in connection with Crime No.193/2022, registered at Nanded Rural Police Station, District Nanded for the offence punishable under Sections 302, 504 read with Section 34 of the Indian Penal Code, on the condition that they shall not tamper with the prosecution witnesses.

(iii) The applicants shall not reside in the vicinity where the witnesses are residing till conclusion of the trial.

(iv) Bail before the learned Sessions Court.

**(S.G. MEHARE, J.)**

*Mujaheed//*