

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

**BAIL APPLICATION NO. 1556 OF 2021
WITH
CRIMINAL APPLICATION NO. 3281 OF 2021**

Suneeta w/o Khushal Patil,
Age : 38 Years, Occu : Household,
R/o. Village Nimtek, Taluka Umari,
Dist. Nanded
(At present in Nanded
District Prison)

... APPLICANT
(Accused No. 3 in FIR/
No. 4 in Charge-sheet)

VERSUS

The State of Maharashtra
through the Officer Incharge,
Umari Police Station, Taluka Umari,
District Nanded.

... RESPONDENT

Shri. R. S. Deshmukh, Senior Advocate i/b
Shri. Devang R. Deshmukh, Advocate for the applicant
Shri. S. B. Narwade, APP for the respondent/State
Shri. Yogesh P. Deshmukh, Advocate for respondent
No. 2.

CORAM : M. G. SEWLIKAR, J.

RESERVED ON : 07/01/2022
PRONOUNCED ON : 11/01/2022

PER COURT:

1. This is an application under Section 439 of the Code of Criminal Procedure for enlarging the applicant on bail in connection with Crime No. 0182 of 2021 registered

with Umari Police Station, Dist. Nanded for the offences punishable under Sections 307, 143, 147, 149 of the Indian Penal Code.

2. Facts giving rise to this application in brief are that Mahesh Suresh Patil (since deceased) was the son of the informant. On 9th August, 2021 at 8.30 a.m. Mahesh Suresh Patil had an altercation with accused Aditya Patil. Both of them had abused each other. Mahesh Suresh Patil left for the field and Aditya Patil left for home. While returning home on motorcycle, accused Khusal Patil pulled Mahesh Suresh Patil and took him to his home. Accused Khusal Patil held him and brother of Khusal Patil by the name of Maroti Ashorak Patil dealt a blow of bat on the head of Mahesh Suresh Patil. Sunita Patil, Aditya, Tryambak Madhavrao Patil, Shailesh Tryambak Patil beat the deceased Mahesh with kicks and fist blows. On hearing the shouts, informant and her daughter went to the house of Khusal Patil and were bringing deceased Mahesh Suresh Patil home. On the road, all these people came there running and assaulted deceased Mahesh

Suresh Patil with kicks and fist blows. He was rescued by Shivshankar Madhav Patil, Satish Patil, Maroti Laxman Chandapure, Dilip Mahadu Sarode, Sheshrao Devrao Patil deceased was taken home. Deceased fell unconscious. Therefore, he was shifted to the hospital of Aaneroy at Umari. He advised the deceased to be taken to Nanded. However, deceased was taken to Aarogya Hospital, Khalilwadi, Nizambad. Deceased died during treatment. FIR, therefore, was lodged on 11th August, 2021. On the basis of this FIR offence under Sections 302, 307, 143, 147, 149 of the Indian Penal Code came to be registered against the applicant.

3. I have heard learned Senior counsel Shri. Deshmukh, Shri. Narwade, learned APP for the respondent/State and Shri. Yogesh Deshmukh, learned counsel for respondent No.2.

4. Learned Senior counsel Shri. Deshmukh submitted that the applicant is the wife of Khushal Patil. He submitted that the opinion of the Medical Officer who

conducted post-mortem shows that death was due to cardiopulmonary arrest due the Acute cerebellar infarct. He submitted that the deceased was taken to Aarogya Hospital, Nizambad. Discharge summary shows that history was given as fight with unknown persons and cause of death is shown to be sudden cardiopulmonary arrest because of poor prognosis.

5. Learned APP Shri. Narwade and Shri. Yogesh Deshmukh, learned counsel assisting APP submitted that the deceased was assaulted by all the members in the house of the applicant. Post-mortem report shows that deceased had abrasions on his body. This indicates that deceased was beaten by all the accused. They further submitted that after deceased was being taken to the house of the informant, on the way, all the accused including applicant beat the deceased with kicks and fist blows. There are statements of eye witnesses corroborating the incident. They submitted that offence is serious in nature. Applicant and the informant are relatives but their relations are strained. They, therefore,

opposed the application for bail.

6. Charge-sheet is filed. On perusal of the charge-sheet it is seen that fatal blow was given by accused Maroti Patil. Khusal Patil had held the deceased Mahesh Patil. Applicant is alleged to have assaulted the deceased by means of kicks and fist blows. Applicant has not given fatal blow to the deceased. Since the charge-sheet is filed and applicant being lady and since she is behind bar from the date of the incident, and considering her role of assaulting the deceased by kicks and fist blows, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on her furnishing PR bond of Rs. 35,000/- (Rupees Thirty Five Thousand only) with one solvent surety in the like amount in connection with CR No. 0182 of 2021 under Sections 302, 307, 143, 147, 149 of the Indian Penal Code, on condition that she shall not tamper with the prosecution

evidence, she shall not pressurize the witnesses.

3. Application is disposed of.

4. Pending application, if any, stands disposed of.

[M. G. SEWLIKAR, J.]

ssp