

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1337 OF 2022

Shubham Gopal Randive	...Applicant
Versus	
State Of Maharashtra	...Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 1575 OF 2022

Venkatesh Dattatrya Koli	...Applicant
Versus	
The State Of Maharashtra	...Respondent

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Mr. V.v. Purwant a/w Mr. Rushikesh Kale, Advocate for the Applicant.

Mr. M.G. Patil, APP for the Respondent – State.

Mr. Balkrushna Hanpude, P.I., Vijapur Naka Police Station.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	12th OCTOBER, 2022.

PER COURT:

1. The applicants were arrested on 6th November, 2021 in connection with C.R. No.552 of 2021 registered with Vijapur Naka Police Station, Solapur for offences under Sections 302, 143, 147, 148, 149 of Indian Penal Code. The First Information Report (for short 'FIR') was registered on 6th November, 2021.

2. The F.I.R. was lodged by the Police-sub Inspector attached to Vijapur Naka Police Station, Solapur. From the documents on record it appears that the injured was taken to the hospital with history of sustaining injuries due to fall. ADR was registered. The

complainant than made inquiries with several persons including eye witnesses to the incident and gathered information that on account of the dispute between some boys and the victim due to burning fire crackers, the deceased was assaulted by fist/kick blows and bamboo stick lying at the spot. The injured died on the same day.

3. Learned Advocate for applicants submits that the applicants are aged around 26 and 28 years. The role attributed to the applicants is that they have assaulted the victim by Bamboo stick and water bottle lying at the spot. The other accused had assaulted by fist and kick blows. The co-accused who were attributed overt act of assaulting by fist and kick blows were granted bail. There are no criminal antecedents against the applicants. There was no intention to commit murder. The incident had occurred on account of the quarrel between the accused and the victim at spur of moment.

4. Learned APP submit that there are eye witnesses to the incident. All the accused were involved in assault. Postmortem report indicates that the victim had suffered injuries.

5. The applicants are in custody for a period of about ten months. There are no criminal antecedents against them.

Assuming the prosecution case is true, it is debatable whether, there was intention to commit murder. The injured was taken to hospital by family members and history was provided, that he suffered injuries due to fall. The family did not suspect fall play. The complainant is police inspector who allegedly gathered information and lodged F.I.R.

6. In the light of factual matrix of this case further detention of the applicants is not warranted.

ORDER

- i.** Criminal Bail Application No. 1337 of 2022 and Criminal Bail Application No.1575 of 2022 is allowed;
- ii.** The applicants are directed to be released on bail in connection with C.R. No.552 of 2021 registered with Vijapur Naka Police Station, Solapur on executing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- iii.** The applicants are permitted to furnish cash bail in the sum of Rs.25,000/- each for a period of eight weeks in lieu of surety.
- iv.** The applicant shall not tamper with the evidence.

- v.** The applicants shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- vi.** Applications stands disposed off.

(PRAKASH D. NAIK, J.)