

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

CRIMINAL BAIL APPLICATION NO. 2433 OF 2021

Ranu Maruti Jadhav

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Satyavrat Joshi i/b Mr. Sunil Kamble for the Applicant.

Mrs. M.R. Tidke, APP for the Respondent/State.

PSI M.G. Lonkar, Saswad Police Station.

CORAM : C.V. BHADANG, J.

DATE : 22 MARCH 2022

P.C.

1. By this application, the Applicant is seeking bail in Crime No. 466 of 2018 of Police Station Saswad, District-Pune, under Section 302 of IPC.

2. The aforesaid crime is registered on the basis of the complaint dated 13.10.2018 lodged by Vilas Shinde, who is the son of deceased Laxman Shinde.

3. On 11.10.2018, in the evening, the deceased was sitting in the shed/open space in front of his house, when the children playing in the area, were teasing the deceased by throwing stones and pulling his clothes. It is stated that at that time, the deceased

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threw a stick which hit the son of the present Applicant. Annoyed by the same, the Applicant went to the deceased and assaulted him by a stick and fist and kick blows in the stomach. The informant carried him to the Government Hospital where after the first aid, the deceased was discharged. However, on 12.10.2018, the deceased was again taken to the hospital where, he was advised to undergo sonography and x-ray examination. However for want of money, the son of the deceased could not get those examinations done. In the same night, the deceased complained of stomach ache after which he died at his house. The postmortem examination of the deceased revealed that he had died due to injury to the spleen.

4. In this case the investigation is complete and a chargesheet is filed. The Applicant was arrested on 13.10.2018 and he is in custody since then.

5. I have heard the learned counsel for the parties. Perused record.

6. The learned counsel for the Applicant submitted that intention to commit murder of the deceased can not be attributed to the Applicant. He submitted that in all probability being annoyed by the fact that his son was hit by the deceased, the Applicant went to the deceased to accost him. He pointed out that external injuries sustained by the deceased are in the nature

of contusions and abrasions which cannot be said to be sufficient in the ordinary course of nature to cause death. It is submitted that the deceased could not avail proper medical aid as he did not undergo the sonography and x-ray examination and could have been saved. The learned counsel for the Applicant pointed out that on the date of incident, the deceased was discharged, after he was given some first aid. He submitted that this is not a case which can attract the offence under Section 302 of IPC.

7. The learned APP submitted that there are eyewitnesses to the incident namely Alka Jadhav, Sangeeta Chougule and Alka Shinde who have stated about the assault by the Applicant. It is submitted that there was no grave and sudden provocation offered by the deceased to justify the assault.

8. I have considered the circumstances and the submissions made.

9. It can prima facie be seen that the children playing in the vicinity were teasing the deceased, after which the deceased had thrown a stick which hit the son of the Applicant. It is in this context the Applicant is alleged to have gone to the deceased after which the incident of assault on the deceased followed. It can be seen that the material part of the assault was said to be by kick and fist blows. The deceased is shown to have sustained four contusions and three abrasions as external injuries. The cause of

death is injury to spleen. It can also be seen that on the date of incident, the deceased was discharged after providing primary medical aid and unfortunately on the following day, the medical tests which were advised, could not be conducted.

10. I have given my anxious consideration to the circumstances in which the incident had happened. At least prima facie intention to commit murder may not be attributable to the Applicant. The Applicant is in custody since October 2018. The investigation is complete and the chargesheet is filed.

11. In such circumstances, the following order is passed:

ORDER

i) The Applicant **Ranu Maruti Jadhav** be released on bail in Crime No. 466 of 2018 of Police Station Saswad, District-Pune on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall undertake to remain present before the learned Sessions Court, during the course of trial, unless exempted.

iii) The Applicant shall not directly or indirectly tamper with the prosecution evidence/witnesses.

iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

v) Bail bonds to be furnished before the learned Sessions Court.

vi) It is made clear that the observations herein are essentially of a prima facie nature and the learned Sessions Court shall not be influenced by the same at the trial.

vii) Criminal bail application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)