

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2004 OF 2022

Nilu H. Rathod

...Applicant

V/s.

The State of Maharashtra

...Respondent.

WITH

INTERIM APPLICATION NO. 3163 OF 2022

Mr. Ritesh Thobde a/w. Mr. Sagar Tambe, Mr. Kamran Shaikh and Mr. Changdev Shingade for the Applicant.

Ms P.P. Shinde, APP for the Respondent/State.

Mr. Hrishikesh S. Shinde for Respondent No.2 and for the Intervener in IA 3163 of 2022.

PSI Mahesh S. Bhavkitti attached to Akkalkot Police Station, present.

CORAM : N.R. BORKAR, J.
DATE : 11.11.2022.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for grant of bail.
2. The applicant came to be arrested in C.R.No. 140 of 2021 registered at Akkalkot Police Station, Solapur for the offences punishable under Sections 302, 326, 325, 323, 143, 147, 148, 149, 504, 506, 188 and 269 of the Indian Penal Code and under Sections 51 and 52 of Disaster Management Act.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent – State so also the learned counsel for the intervener-complainant.

4. Initially, the offence punishable under Section 326 of the IPC was registered against the present applicant and other co-accused as it was alleged that on 11 April 2021 the present applicant and the co-accused assaulted the deceased Punnu Dhenu Chavhan and his family members by sticks and stones.

5. I have perused the statement of deceased which was recorded on 12 April 2021 immediately after the alleged incident. According to him, he was assaulted by stick. After the alleged incident, the deceased was medically examined and his left hand was found to be fractured and no other injury was found on his person. For the said injury, he was treated and discharged on the next day.

6. However, during the post-mortem 3rd, 4th, 5th and 6th ribs were found to be fractured. Similarly, left humerus neck was found to be fractured. The statement of deceased does not reflect that he was assaulted on chest. Admittedly, the deceased died on 28 April 2021, i.e., after 17 days of the alleged incident. Considering these facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R.No. 140 of 2021 registered at Akkalkot Police Station, Solapur for the

offences punishable under Sections 302, 326, 325, 323, 143, 147,148, 149, 504, 506, 188 and 269 of the IPC and under Sections 51 and 52 of Disaster Management Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

7. Interim Application No. 3163 of 2022 for intervention does not survive and the same is disposed of.

[N.R.BORKAR, J.]