

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No. 908 of 2022

Narayan Devidas Nandane

Versus

State of Maharashtra, through Police Station Officer, Police Station
Tamgaon, Dist. Buldhana.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Sumit B. Gandhe, Advocate for the applicant.

Shri A.R.Chutke, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 10th August, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 0088 of 2022 registered with Police Station Tamgaon, Dist. Buldhana for the offence punishable under Sections 302, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that the cause of death of the deceased, was head injury which was caused because of the assaulted by the accused no.1 Nivrutti Nandne. He submits that as far as the allegation against the applicant is concerned, it is

alleged that the applicant assaulted the deceased by kick when the deceased fell down after the accused no.1 gave a blow on his head by wooden stick. He therefore submits that the applicant is not responsible for the death of the deceased.

3. Learned counsel for the applicant further submits that even if taking the allegations made in the First Information Report on its face value, it can be seen that there was no intention to kill the deceased and the alleged incident is a result of sudden provocation.

4. Lastly, the learned counsel for the applicant argues that in this case investigation is completed and the chargesheet has been filed. Accordingly, he submits that the further custody of the applicant is not necessary.

5. I have perused the chargesheet and the First Information Report.

6. The postmortem report says that cause of death is head injury. The allegations made in the First Information Report show that, the accused no.1 inflicted a blow by wooden stick on the head of the deceased. Thus, *prima facie*, the death was caused because of assault by the accused no.1 to the deceased.

7. As far as the allegations against the present applicant are concerned, it is stated that he assaulted the

deceased by kick, while *prima facie*, show that the applicant is not responsible for the death of the deceased.

8. In the present matter, the applicant is in jail since last five months and the investigation is completed. Considering the allegations made in the First Information Report against the applicant and the fact that the further custody of the applicant is not necessary, I am of the opinion that applicant is entitled for grant of bail. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 0088 of 2022 registered with Police Station Tamgaon, Dist. Buldhana for the offence punishable under Sections 302, 323, 504, 506 read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount.
- iii. The applicant shall attend the concerned police station on 1st day of every month between 9 am to 10 am till the culmination of the trial.
- iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case, as also not tamper with the evidence;

v. State is at liberty to apply for cancellation of bail in case the applicant commits similar offence.

[ANIL S. KILOR, J.]

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by
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