

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

CRIMINAL APPLICATION (BA) NO. 1103/2021
Sunita Suresh Tidke and ors ..Versus... State of Maharashtra

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

Court's or Judge's orders

Mr. A.D.Bhate, Advocate for applicant.
Mr. S.M.Ghodeswar, APP for Respondent/State
Ms. Poonam Pusurde, Advocate h/f Mr. S.V.Sirpurkar, Advocate for intervenor

CORAM : AVINASH G. GHAROTE, J.

DATE : 05/01/2022

Heard learned counsel for the parties.

The applicant Nos. 1, 2 and 3 have already been enlarged on bail by virtue of an interim order dated 24.11.2021, on the ground that there was a possibility of over implication, whereas the applicant No. 4 has been denied bail, on the ground that he had reported at the police station confessing to have assaulted the deceased in a fight and had also produced the hammer which is allegedly claimed to have been used as a weapon of offence. The statement of Mrs. Rajkanya Dinesh Tidke, attributes the assault by way of a hammer to the applicant No.4, which also is the cause of death as indicated by the post mortem report, which states that the cause of death is hemorrhagic shock due to head injury, which is directly relatable to the assault by the applicant No. 4. In so far as applicant Nos. 1, 2 and 3 are concerned, even the said eye witness states that they were not carrying any weapons,

but were only armed with sticks. The PM report does not indicate any nexus of the demise with the use of any stick. The charge-sheet has been filed on 27.8.2021 and therefore, the investigation is complete.

In view of the above factual position, I do not see any reason not to confirm the interim bail already granted to the applicant Nos. 1, 2 and 3. However, considering the direct involvement of the applicant No. 4 and the demise of the deceased due to blow administered by him, the applicant No. 4 requires to be incarcerated. Hence the following order.

The interim bail granted to the applicant Nos. 1, 2 and 3 by the order dated 24.11.2021 is hereby confirmed. The applicant Nos. 1 to 3 shall not tamper with the prosecution witnesses. They shall also attend the trial regularly. The application in so far as the applicant No. 4 stands rejected.

JUDGE

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