

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

**CRIMINAL APPLICATION (BA) NO.1199 OF 2022**

Harshal S/o Dhanraj Lalsare .Vs. State of Maharashtra, through P.S.O., P.S.  
Maregaon, Tq. Maregaon, Dist. Yavatmal

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

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Court's or Judge's Order

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Shri P.R. Agrawal, Advocate for the applicant.

Shri N.R. Rode, A.P.P. for the non-applicant/State.

**CORAM : ANIL S. KILOR, J.**  
**DATED : 23/11/2022**

1. Heard.
2. The applicant is seeking bail in Crime No.250 of 2021, registered with Police Station Maregaon, District: Yavatmal, for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code.
3. It is the case of the prosecution that one Laxman Kisan Wadhai lodged a report stating that he received a phone call from his neighbor, informing about altercation going on between the Sanjay Laxman Wadhai and the applicant, in which the applicant and his brother assaulted Sanjay by fist and blow due to which there was pain in the abdomen of Sanjay and therefore, he was taken to rural hospital, Maregaon. Thereafter, he was referred to Government Hospital, Yavatmal, where he died on 13.10.2021 at 12.00 p.m.

4. In this case, after the investigation was over, the charge-sheet has been filed. The applicant is in jail from 14.10.2021 i.e. for more than one year.

5. After going through the statements of witnesses *prima facie* there is nothing to suggest that the incident was pre-meditated or there was any intention of the applicant to commit murder. In addition to this the medical reports shows that on 12.10.2021 when the deceased was hospitalized, as per the provisional diagnosis made by the doctor, it was opined that the pain was due to alcoholic infection.

6. Further the statement of employer of the deceased namely Arif Ali Vahid Ali shows that the deceased was discharged from the hospital on next day and this witness had taken him to his house. It appears from his statement that after discharge some complications cropped up and he was again required to hospitalize and during the treatment he died.

7. In the provisional diagnosis about the cause of death, is mentioned that the deceased was a cronic alcoholic.

8. Thus, in the above referred backdrop, though the cause of death as per Post Mortem report is “Blunt trauma to abdomen and chest”, in absence of any intention

and considering the circumstances, in which the incident took place which was not pre-meditated, I am of the opinion that though the learned APP is opposing the present application, the applicant is entitled for grant of bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant in Crime No.250 of 2021, registered with Police Station Maregaon, District: Yavatmal, for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code, be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of** accordingly.

**JUDGE**