

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.104 OF 2023

NANDKISHOR @ RAVI DATTATRAYA HALE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Sanjeev B. Deshpande
APP for Respondent : Mr. S. P. Sonpawale

CORAM : S. G. MEHARE, J.
DATE : 03-02-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The allegations levelled against the applicant reveal that the applicant and the deceased are the neighbourer. The slab of the house of the applicant was projected in the area of the deceased. They had a quarrel over the projected slab. It has been alleged that the accused called the deceased on the second floor of the house. They had a quarrel there and the applicant pushed him from the second floor. The injured suffered fractured head injury. He died after 15 days of the incident.
3. The learned counsel for the applicant would argue that the deceased was never called. However, the deceased came on the slab and started quarreling with applicant and his family members. In that quarrel, the deceased lost the balance and fell down. Even in a worst case, the prosecution has no evidence of motive and intention. It was barely an accident. The applicant is languishing in jail since 21.09.2022. The chargesheet has been filed.

4. The learned A.P.P. has strongly opposed the application. He argued that the applicant pushed the deceased from the floor knowing well that the person may die. The overt-act of the applicant is sufficient to believe that he has committed murder. The offence is serious. Therefore, he may not be granted bail.

5. The facts reveal that the deceased and the applicant had a quarrel over the projection of slab of his house in the area of deceased. Hence, they had quarrel. In the facts and circumstances of the case, whether the applicant pushed him or the deceased lost the balance and fell down from the second floor is a matter of evidence before the trial Court. However, the circumstances favour the applicant for bail on certain conditions. Hence, the order :-

- i) Application is allowed.
- ii) Applicant Nandkishor @ Ravi Dattatraya Hale, be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.151 of 2022 registered with Ramtirth Police Station, District Nanded, for the offences punishable under Sections 302, 323 and 504 read with Section 34 of the Indian Penal Code, on the conditions that;
 - (a) He shall not tamper with the prosecution witnesses;
 - (b) He shall stay away from his village for three months from the date of his release.

(S. G. MEHARE. J.)