

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1180 OF 2023

**CHANDAR BHIMRAO FARTALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Mr. S. S. Deshmukh, Advocate for the applicants
Mrs. G. L. Deshpande, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 10th AUGUST, 2023

P.C. :-

1. Applicants are aged about 82 years. There is allegations against them that they were present at the spot when the incident of assault was caused on the injured who subsequently died. The allegations from the first information report indicates that on 03/06/2023 deceased was assaulted by present applicants as well as co-accused. There is specific allegation in the first information report against the other accused that they used sticks to cause assault on the deceased. The said allegation gets support from the injury certificate which indicates that number of grievous injury caused to him. Admittedly owing to those injuries injured subsequently died after 14 days of the incident.

2. As far as present applicants are concerned, apart from the first information report even the statements of the eye witnesses

confirmed the fact that the applicants have not used any weapon to cause assault on the deceased. The allegation against them is restricted to the alleged assault with fist blows. In view of this, it is difficult to hold at this stage that the applicants are responsible for the death of the deceased. Hence, having regard to their age their liberty is protected. Application is allowed in terms of interim order dated 20th July, 2023.

(R. M. JOSHI, J.)

ssp