

(1)

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

BAIL APPLICATION NO.1721 OF 2022

**DNYANESHWAR VITTHAL HARDE
VERSUS
THE STATE OF MAHARASHTRA**

Ms. Sarita S. Sabale, Advocate for applicant;
Mr. K.S. Patil, A.P.P. for respondent No.1/State

CORAM : S. G. MEHARE, J.

DATE : 4th JANUARY, 2023

PC.

1. The deceased was the father of the applicant. It has been alleged that the applicant was habitual drunkard. On the day of the incident, the applicant had quarrel with his wife. Therefore, the deceased father scolded the applicant. The applicant got annoyed and beat him with a bamboo stick. The alleged stick was recovered from the spot of the incident.

2. The applicant has been arrested on 28.10.2021. Most of the witnesses are the family members. The post mortem report does not show any severe external injury on the person of the deceased. However, his ribs were fractured in lower second ribs of the left side. Pleura was also noticed ruptured. The cause of death was hemorrhagic shock due to injuries to internal visceral organs following alleged history of assault.

(2)

3. It appears that on the day of the incident, the applicant had drunk liquor. The deceased father intervened the quarrel and in the fit of anger, he assaulted the deceased. The deceased was 75 years old. *Prima facie*, it appears that the incident happened in a fit of anger. Whether there was an intention to kill the deceased is a matter of evidence. There are no antecedents to the discredit of the applicant. It seems that the incident happened in the family. The investigation has been completed. Nothing is to be investigated from the applicant. The trial may take its own time.

4. Considering the facts in toto, the applicant may be granted bail on certain conditions. Hence, the following order:-

- i) The application is allowed.
- ii) Applicant – Dnyaneshwar Vitthal Harde, be released on bail, on furnishing PB and SB of Rs.50,000/- with one solvent surety of like amount, in C.R.No.905 of 2021, registered with Police Station, Rahuri, District Ahmednagar, for the offence punishable under Sections 302, 504 and 506 of the Indian Penal Code, on the conditions that;
 - (a) The applicant shall not tamper with the prosecution evidence.
 - (b) The applicant shall stay out of his village for three months from the date of his release and
 - (c) The applicant shall attend the trial on each and every material date.

(S. G. MEHARE, J.)

amj