

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 3291 OF 2022**

|                          |               |
|--------------------------|---------------|
| Neelkanth Padu Patil     | ...Applicant  |
| vs.                      |               |
| The State of Maharashtra | ...Respondent |

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Mr. B. A. Lawate - Advocate for the Applicant  
Mr. Y. Y. Dabke - APP for the Respondent-State  
S. S. Yadav – PI Shil Daighar Police Station

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**CORAM :            S. M. MODAK, J.**

**DATE :             25<sup>th</sup> APRIL, 2023**

**P. C. :-**

1.            Heard learned Advocate for the Applicant and learned APP.
2.            The accused is charge-sheeted for committing murder of one Rajman Tiwari who is resident of Kalyan. He entered one room on the first floor of the house owned by this Applicant surreptitiously. Though one tenant was staying there, at the relevant time, the tenant was not there in the room. It was bolted from outside. It seems that deceased Rajman Tiwari entered that room for the purpose of committing theft. It was on 03/04/2022 in the afternoon. Somehow the occupants of the house came to know about

the said act. The present Applicant being the owner of the house. he went on the first floor. He noticed that the room was bolted from inside with force, he broke opened the door and noticed that one person was there inside the room. There was some scuffle.

3. Deceased- Rajman tried to run away from the gallery of the first floor. The deceased went on the roof of the one tin shed abutting the said galary and from there he jumped on the ground floor. Applicant followed him, and there also he beat him with the help of the stick. The persons assembled there and his legs were tied. The Police were called.

4. The Police from Shil-Daighar Police Station came there and took the deceased to hospital. While undergoing the treatment, he succumbed to the injuries. The post mortem report is at page nos. 51 to 55. Cause of the death is "hemorrhage and shock due to multiple contusions with injury to vital organ caused by hard and blunt impact". Intimation was given by Police Constable Sushant Patil on 03/04/2022, whereby F.I.R. is lodged by ASI Kale to the same Police Station. It was registered under Section 302 of the Indian Penal Code. The Applicant came to be arrested and since April, 2022 he is behind bar.

5. Learned APP tried to contend that the Applicant was caught hold at the spot and stick is recovered at his instance. Be that it may, the Court cannot overlooked the background in which the incident took place. Charge-sheet is already filed. No purpose will be served by detaining the Applicant behind bar. Even though it is argued without admitting that there was no intention or knowledge to commit murder, it can be seen at the time of trial. The case is made out to grant of bail. Hence following order:-

#### **ORDER**

- (i) Bail application is allowed.
- (ii) Applicant-Neelkanth Padu Patil arrested in connection with C.R. No. 95 of 2022 registered with Shil Daighar Police Station for the offence punishable under Section 302 of the Indian Penal Code, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 25,000/-.
- (iii) Applicant shall not threaten the prosecution witnesses.

6. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

7. Application is disposed of in the aforesaid terms.
8. All the parties to act on an authenticated copy of this order.

**[S. M. MODAK, J.]**