

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

CRIMINAL BAIL APPLICATION NO. 3206 OF 2022

Tanaji Shivaji Thorat	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Ritesh Thopbde a/w Mr. Sagar Tambe and Mr. Changdev
Shingade for the Applicant.
Ms. Anamika Malhotra, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th AUGUST 2023.

P.C. :

1. By this application, the applicant is seeking bail in C.R. No. 210 of 2022 registered with Mandrup Police Station, Dist. - Solapur for the offences punishable under Sections 302, 342, 177, 504 r/w 34 of Indian Penal Code, 1860 (for short "IPC").
2. It is prosecution's case that on 14th August, 2022, the informant PSI – Amitkumar Umakant Karape had lodged report against the applicant and other accused Bhimrao Ramchandra Jadhav

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contending therein that, on 13th August 2022, the applicant had lodged report in police station stating that on 13th August, 2022 at about 3:00 p.m, Manisha Shingan told him that his father assaulted his mother. Therefore, the applicant took his mother to hospital. Thereafter, at about 5:00 p.m. the wife of applicant Puja told the him that Shivaji Thorat, the father of the applicant, fell down from the motorcycle on the road in front of their house and sustained injuries on his hands and legs and he was not moving. Thereafter, police came there. The applicant took Shivaji Thorat at RCH Rural Hospital, Mandrup. Before treatment, Shivaji was declared dead. Therefore, accidental death report was lodged. From the postmortem report, statement of eye witness Puja Thorat and Samir Shaikh, it was revealed that the applicant and his uncle Bhimrao Jadhav in furtherance of common intention abused and assaulted deceased Shivaji with stick on the head, leg, thigh and chest by tying him to a coconut tree on account of grudge of assaulting mother of applicant with sickle. Even though, the applicant knew that he killed Shivaji Thorat, he had given false information to the police. Accordingly the First Information Report has been lodged on 15th August, 2022 against the applicant and Bhimrao Jadhav in Mandrup

Police Station under above referred Sections.

3. It is contention of learned counsel for the applicant that deceased was father of the applicant. He had assaulted the mother of applicant with axe. Thereafter, applicant took his mother to the hospital. The allegations against the applicant are that he tied his father to the coconut tree and assaulted with wooden stick and, thereafter, he phoned his maternal uncle and informed him about the assault on his mother. It is alleged that his maternal uncle came to the spot and assaulted deceased with stick thereafter, he died.

4. Learned counsel for the applicant submitted that, admittedly deceased was alive when applicant took his mother to hospital. Hence, no question arises of death of deceased due to assault by the applicant. The applicant is behind bar for more than one year. Initially police had registered the case of accidental death but, later on offences under Sections 302, I.P.C. is registered against the applicant. Applicant is permanent residence of Antroli, Tal. South Solapur, so, no chances of absconding arises. Applicant is ready to abide by any conditions if imposed by this Court.

5. It is the contention of learned APP that initially applicant misled the police machinery stating that deceased had died due to fall from motorcycle which was false. In investigation of the ADR, it was revealed that deceased died due to assault by applicant and other accused Bhimrao Jadhav. If the applicant is released on bail, he may influence prosecution witnesses as they are family members.

6. Learned APP further submitted that trial has been commenced and one witness has been examined. If applicant is released on bail trial may be delayed. Hence, requested to dismiss the application.

7. I have heard both learned counsel. Perused First Information Report and Charge sheet. The allegations against the applicant are that after assault on his mother, he tied the deceased to coconut tree and assaulted him with wooden stick. Thereafter, he took his mother to hospital for treatment and he informed his maternal uncle other accused about the assault on his mother by the deceased. Maternal uncle of applicant came to house of applicant there he saw that deceased was tied to coconut tree, he assaulted

deceased with the wooden stick, due to injuries sustained, deceased died while taking treatment.

8. It appears from charge sheet that when Bhimrao Jadhav other accused had gone to house of applicant at that time deceased was alive. So, it cannot be said that he died due to assault by the applicant. The applicant is permanent resident of village Antroli, Tal. South Solapur. As the family members of the applicant has given statement before the police against applicants so, it cannot be said that they may get influenced.

9. In view of above, I pass following order.

ORDERS

(i) Applicant – Tanaji Shivaji Thorat be enlarged on bail in Crime No. 210 of 2022 registered with Mandrup Police Station, District – Solapur Rural, for the offences punishable under Sections 302, 342, 177, 504, read with 34 of Indian Penal Code, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(ii) Applicant shall not attempt to influence witnesses or any person concerned with the case.

10. The application is allowed in the aforesaid terms and is accordingly disposed of.

11. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)