



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.775 OF 2024

Pravin @ Pankaj Arun Piraji Bothe,
Age-61 years, Occu:Agri.,
R/o-Walki, Tq. and Dist-Ahmednagar.

...APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station Incharge,
Nagar Taluka Police Station,
Dist-Ahmednagar.

...RESPONDENTS

...
Mr. Abhijit S. More Advocate for Applicant.
Ms. D.S. Jape, A.P.P. for Respondent-State.
...

CORAM: S.G. MEHARE, J.

DATE : 20th JUNE, 2024

ORDER :

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.738 of 2023 registered with Nagar Taluka Police Station, District-Ahmednagar

for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

3. The prosecution has a case that the vehicle of the deceased dashed the wife of the applicant by the bike. Thereafter the applicant and his family members assaulted him mercilessly and he lost the life. The prosecution has a further case that during the assault, the deceased told his wife, on phone call that his vehicle dashed the lady and the family members of said lady are beating him. Wife of the deceased heard the voice of her husband asking for his rescue. The prosecution has also the case that the applicant took the deceased from the spot of incident towards other side and the applicant and his family members mercilessly beat him.

4. Learned counsel for the applicant would submit that there were no external injuries on the body of the deceased. The postmortem report shows the internal injuries only. Such injuries are possible by falling down on the hard surface. The applicant has no intention to kill the deceased and the incident has occurred in the spur of moment.

5. Learned APP has relied on the postmortem report, CCTV footage and the statements of the witnesses who consistently stated that the applicant has mercilessly assaulted the deceased. The offence is serious. The applicant is responsible to cause the death of the deceased. Hence she prayed that the application be dismissed.

6. The FIR and the CCTV footage shows that the deceased fell down on the hard surface of the road from speed breakers. Considering the nature of the injuries and the vehicular accident it is difficult, at this juncture, to hold that the death of deceased was caused due to the beating only. In this circumstances, the real cause of death has to be find out during trial. Taking into consideration the facts of the case and the background in which the incident happened in a spur of moment, it will not be justifiable to keep the applicant behind the bars. Hence the following order:-

ORDER

(I) Bail Application is allowed.

(II) Applicant - Pravin @ Pankaj Arun Piraji Bothe be released on bail on furnishing P.B. and S.B. of Rs.50,000/-

(Rupees Fifty Thousand only) with one solvent surety of the like amount, in above crime, on the condition that:

(a) The applicant shall not tamper with the prosecution witnesses.

(b) The applicant shall attend the trial on each and every effective date.

[S.G. MEHARE , J.]

asb/JUNE24