



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

BAIL APPLICATION NO. 1220 OF 2024

1. Pappu Yakub Khan, Age 62 years,
 2. Khalid Pappu Khan, Age 26 years,
- Both Occu. Business, R/o. Millatnagar,
Ward No.1, Shrirampur, Tq. Shrirampur,
District Ahmednagar .. Applicants

Versus

The State of Maharashtra
Through The Police Inspector
Shrirampur Police Station,
Shrirampur, District Ahmednagar .. Respondent

Ms. Sunita G. Sonawane, Advocate for Applicants;
Mr. S. B. Pulkundwar, A.P.P. for Respondent

CORAM : S. G. MEHARE, J.

DATE : 09-08-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.
2. The applicants seek bail in C.R.No.0617 of 2024 registered with Shrirampur City Police Station, Shrirampur, District Ahmednagar, for the offence punishable under Section 304 read with Section 34 of the Indian Penal Code.

3. It has been alleged against the applicants that they had received the booking amount of flat. However, they did not complete the construction in time. Therefore, the deceased was demanding the earnest amount back, but they were not paying him. On the day of the accident, the victim had been to the building of the applicant which was under construction. The applicants beat him. He suffered few injuries and died of massive heart attack/*cardiac arrest* caused by infraction.

4. The applicants have a case that applicant No.1 – Pappu was suffering from tuberculosis. On the day of the incident, he was referred to the hospital. The deceased fell down on the site and sustained injuries. The applicant No.2 took the deceased to the hospital; However, in the midway he died.

5. Learned A.P.P. submits that the forensic expert has opined that cardiac arrest was due the injuries sustained to the deceased. Hence, they may not be granted bail.

6. The facts remain that the incident happened on the ground floor of the building. The police did not recover incriminating evidence from the spot of the incident. There is a balance evidence as to the cause of death. The opinion of the Doctor is subject to cross-examination by the accused. Their conduct reveals that they took the deceased to the hospital, but unfortunately, he died. No weapons have been used in the crime.

The material investigation has been completed. Hence, they deserve bail.

ORDER

- i) The bail application is allowed.
- ii) Applicants No.1 - Pappu Yakub Khan and No.2 - Khalid Pappu Khan be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount each, in the above crime for the aforesaid offences, on the condition that they should attend the Police Station as and when called on written notice by the Investigating Officer till filing chargesheet.

**(S. G. MEHARE)
JUDGE**

rrd