



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

956 BAIL APPLICATION NO. 1614 OF 2024 WITH
CRIMINAL APPLICATION NO. 4019 OF 2024
IN BA/1614/2024

1. Sardar Vedyas Pawara
 2. Sanjay Sardar Pawara
-Applicants

VERSUS

The State of Maharashtra

.....Respondent

.....

Mr. A. S. Savale, Advocate for Applicants.
Mr. G. O. Wattamwar, APP for the State.
Mr. J.D. Gain, Advocate for the victim.

CORAM : S. G. MEHARE, J.

DATE : 24th SEPTEMBER, 2024.

PER COURT :

1. Criminal Application no. 4019/2024 is allowed and stands disposed of.
2. Heard learned counsel for the Applicants, learned APP for the State and learned counsel for the victim.
3. Applicants seek bail in Crime No. 93/2024 registered with Dhadgaon Police Station, Dist. Nandurbar for the offence

punishable under Section 302 read with section 34 of Indian Penal Code.

4. The allegations reveal that before the incident the deceased had scolded the Applicants for ghoongru belt. Thereafter they went on the slab of the house of the deceased where he was sitting. The first informant, who is the daughter of the deceased, heard noise of quarrel and immediately she heard the noise of something has felled from the height. When she saw it was her father, fallen from the slab, immediately, both the Applicants left the place. On these allegations, above crime was registered against them.

5. Learned counsel for the Applicants would submit that even if the case is admitted as is, it cannot be said that it is an intentional act. It may be an accident. There are no allegations that the Applicants have pushed the deceased from the slab. There was no railing to the staircase. No weapon is used in the crime. Hence, Applicants may be granted bail.

6. Learned APP and learned counsel for the victim have vehemently opposed the Application. They would submit that the

deceased died due to the acts of the Applicants. Their post incident conduct is material. Previous quarrel is the circumstance to believe that there was a possibility of pushing he deceased from the slab. They prayed that bail may not be granted.

7. The circumstances discussed above may have various facets. The situation in which the incident happened, accident or pushing the deceased is possible. There are no antecedent to the discredit of the Applicants. The investigation has been completed. Nothing is to be recovered from the Applicants. So no purpose would be served keeping them behind the bar. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) Applicants Sardar Vedyia Pawara and Sanjay Sardar Pawara be released on furnishing P.B. and S.B. of Rs. 50,000/- each (Rs. Fifty Thousand each) with one solvent surety each of the like amount in connection with Crime No. 93/2024 for the above offences on the following conditions :-

(a) They should not tamper with the prosecution witnesses.

(b) They should not enter village Umarani, tq. Dhadgaon, Dist. Nandurbar, for a month from the date of their release.

(S. G. MEHARE)
Judge

dyb