



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

940 BAIL APPLICATION NO. 1817 OF 2024

1. Anil Hiranman More
2. Yashwant Hiranman More .. Applicants

VERSUS

- . The State of Maharashtra .. Respondent

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Advocate for Applicant : Mr. A. R. Syed & Mr. D. A.
Sharma h/f. Mr. Sushil Pushpendra Pandit
APP for Respondent/State: Ms. V. S. Choudhari

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CORAM : ARUN R. PEDNEKER, J.

DATE : 28.11.2024

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are seeking bail as they were arrested in connection with Crime No.215/2024, dated 09.09.2024, registered with Mhasavad Police Station, District Nandurbar, for the offences punishable under Sections 103(1), 118(1), 115(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita.

3] After arguing the matter for some time, learned counsel for the applicants seeks leave to withdraw the present bail application for applicant no.1.

4] Considering the above, leave is granted. The application is dismissed as against applicant no.1.

5] As regards applicant no.2 is concerned, it is to be noticed that there was some prior altercation has happened in the market place with the deceased. The deceased went home and informed the family members about the altercation with applicant no.1. Thereafter, the deceased and the other family members of the deceased came back to the market place and asked as regards the prior altercation. At that time, applicant no.1 hit the deceased with stick and applicant no.2 gave fist and kick blows on the deceased. The deceased died due to hit injury. The post-mortem report also indicates that the deceased had consumed alcohol.

The learned counsel for the applicants submits that the altercation with the deceased had happened suddenly. Even if the evidence is accepted as it is, it cannot be said that it is premeditated attack by applicant nos.1 and 2. Highest, that can be said about applicant no.2 is that he has given fist and kick blows on the deceased and that no intention can be inferred from the action of applicant no.2 that he intended to cause any serious harm to the deceased.

The learned counsel submits that applicant no.2 is also in jail from 10.09.2024 till date. He also submits that there is no recovery as such to be made from applicant no.2. He also submits that there is no further need of

interrogation / investigation of applicant no.2. He submits that considering the nature of the evidence against applicant no.2, he be released on bail.

6] Per contra, learned APP submits that both the applicants no.1 and 2 are responsible for the death of the deceased. She submits that, although, applicant no.2 has not used any weapon and given only fist and kick blows but, nevertheless, that too, caused harm to the deceased. She submits that the bail should not be granted even to applicant no.2.

7] Considering the evidence on record, more particularly, that applicant no.2 has given fist and kick blows and that it is not premeditated and, also, that the deceased had prima facie consumed liquor as stated by the learned counsel for the applicants and the altercation having taken place in the market place on the spur of the moment, prima facie, it cannot be said that applicant no.2 in furtherance of the common intention or object intended to cause serious harm or cause death of the deceased.

8] In view of the same, as the trial would take long time to proceed, there is no point in keeping applicant no.2 in jail. In view of the same, Applicant No.2 – YASHWANT HIRAMAN MORE be released on bail on following terms

and conditions :

a] Applicant No.2 - YASHWANT HIRAMAN MORE shall be released on bail in connection with Crime No.215/2024, dated 09.09.2024, registered with Mhasavad Police Station, District Nandurbar, for the offences punishable under Sections 103(1), 118(1), 115(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] Applicant No.2, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] Applicant No.2 shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

d] Applicant No.2 shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] Applicant No.2, upon being released on bail,

shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to Applicant No.2 shall be liable to be cancelled.

10] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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