



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.24 OF 2024
(Mr. Srikant Nathuram Kashyap and ors. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.H. Mansuri, Advocate for the applicants.
Mr. V.T. Thakare, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 24, 2024.

Heard.

2. Applicant Nos.1 and 4 are already arrested and released on bail.

3. By this application, the applicant Nos.2 and 3 are seeking anticipatory bail in connection with Crime No.892/2022 registered with police station Saoner, Nagpur Rural for offence punishable under Sections 324, 326, 341, 504 and 506 read with Section 34 of the Indian Penal Code.

4. Learned Counsel for the applicant submitted that initially the crime was registered under Sections 324, 326, 341, 504 and 506 read with Section 34 of the Indian Penal Code. Subsequently, the injured Vilas Ishwar Dongre succumbed to the death, and therefore, the crime is converted under Section 304 of the Indian Penal Code. The accusation against the present applicant is that initially there was a quarrel between the applicants and the deceased on account of dash by the motorcycle to

their car. Subsequently, as the applicants have restrained the deceased and assaulted him by means of cricket bat. Initially he was under treatment and after discharge he succumbed to the death. On the basis of the said report, police have registered the crime. Initially, the applicants have released on anticipatory bail as crime is registered under Section 324, 326, 341, 504 and 506 read with Section 34 of the Indian Penal Code. Now, the crime is registered under Section 304 of the Indian Penal Code the applicants again approached to this Court for grant of anticipatory bail.

5. Learned Counsel for the applicants further submitted that two co-accused are already arrested and investigation is almost completed. Further custodial interrogation of the present applicants is not required. In view of that, they be released on anticipatory bail.

6. Learned Additional Public Prosecutor strongly opposed the application on the ground that due to the assault, the deceased have sustained the injuries and while taking treatment, he died due to Septicemia. In view of that, the application deserves to be rejected.

7. Having heard learned Counsel for the parties. Perused the investigation papers. It reveals that the death of the deceased is caused due to Septicemia. Now, investigation is practically completed. The custodial interrogation of the present applicants is not required. The two co-accused are already arrested. In view of that, present applicant Nos.2 and 3 can be protected by

granting anticipatory bail. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicant Nos.2 and 3 namely – (2) Mr. Ajay Horilal Kashyap and (3) Mrs. Manisha Nathuram Kashyap in connection with Crime No.892/2022 registered with police station Saoner, Nagpur Rural for offence punishable under Sections 324, 326, 341, 504 and 506 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- each with one solvent surety each, in the like amount.

(iii) The applicant Nos.2 and 3 shall attend the concerned police station as and when required for the investigation purpose.

(iv) The applicant Nos.2 and 3 shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)