



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

BAIL APPLICATION NO. 2322 OF 2024

Anna Nivrutti Chaure,
Age : 23 Years, Occu. : Agriculture & Labour,
R/o. Nagzari, Tq. Kaij,
Dist. Beed.

... Applicant

VERSUS

1. The State of Maharashtra,
Through Officer Incharge,
Police Station Kaij,
Dist. Beed.
2. The Superintendent of Police,
Beed, Dist. Beed.

... Respondent

....
Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondents-State : Mr. V.M. Jaware
....

CORAM : ABHAY S. WAGHWASE, J.

Dated : 05th February 2025

ORDER :

1. This is a regular bail application on account of arrest of the applicant in crime bearing No.0466 of 2023, registered at Kaij Police Station, Dist. Beed.
2. Learned counsel pointed out that, the applicant is arrested in above crime on 03.08.2023 and he is behind the bars since

then. Learned counsel further pointed that, initially, FIR was registered for offence under Section 304 of IPC, but subsequently, charge-sheet is filed alleging commission of offence under Section 302 of IPC. That, initially, FIR was against unknown person and it is on hearsay information. That, occurrence was of 31.07.2023, but report is lodged on 02.08.2023 and as such, it is delayed FIR. That, there is possibility of false implication. Learned counsel further pointed out that, even identification of the assailant is doubtful. That, there are mere allegations of picking up a stone and hitting on the head in the backdrop of demand of money. Now the applicant is behind the bars since more than six months. That, Charge-sheet is already filed. That, nothing further is shown to be recovered or discovered at his instance. For all above reasons, learned counsel seeks grant of regular bail.

3. Learned APP opposed the bail application on the ground that, there is eyewitness account. That, there is death and though initially offence was registered for offence under Section 304 of IPC, investigation revealed that it was a murder and hence, Section 302 of IPC was added. That, there is head injury. For all above reasons, learned APP seeks rejection of bail.

4. After considering the above submissions and on going through the papers, it does emerge that, initially, FIR was registered

at the instance of Pournima Yashwant Kamble, on 02.08.2023, regarding occurrence allegedly taken place at 06.30 p.m. on 31.07.2023. As submitted, the informant reported that, her son Sachin was hit with a stone on the head and she has lodged report against unknown person. Further as submitted, she has reported that, on 31.07.2023, around 04.00 p.m., her son Sachin left the house and around 07.00 p.m., she received phone call from her grandson Vijay, informing that, Sachin is suffered head injury and he is lying on the road. Therefore, he was taken to the hospital by Vijay with the help of his friend and there, he was treated and further brought home after giving stitches to the head.

5. Informant claims that, on questioned, deceased son told that, he and his friend Munna Shinde were going by the road. Around 06.30 p.m., he has quarreled with unknown person and said unknown person hit on the head. Supplementary statement of the informant seems to have been recorded on 06.08.2023 i.e. after further five to six days after FIR and on such date, she has reported that, in the backdrop of demand of money, the applicant hit her son with a stone on head.

6. Companion of the deceased namely Rahul @ Munna Gulabrao Shinde, has also given statement, but apparently it is of

03.08.2023, about the present applicant demanding Rs.200/- from the deceased. He has stated that, there was scuffle between the deceased and applicant and the applicant pick up a stone lying on the road and hit on the head of the deceased. Thus, it is seen that, very companion has also not reported assault on 31.07.2023 i.e. the date on which mother of the deceased has reported the occurrence. On report of mother, initially, crime was registered for offence under Section 304 of IPC, but subsequently, it is converted into Section 302 of IPC.

7. As stated above, it is emerging that, when deceased was passing on the road with his friend, the applicant allegedly met him and demanded money, resulting into the scuffle and therefore, he picked up a stone lying on the spot and hit it on the head. Taking such chronology of events into consideration and above discussed material, when nothing further is shown to be recovered or discovered, the relief as prayed deserves to be granted. Hence, following order is passed.

ORDER

- i) The application is allowed.

- ii) Applicant Anna Nivrutti Chaure, be released on bail in connection with Crime No.0466 of 2023, registered with Kaij Police Station, Dist. Beed, on executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety in the like amount.
- iii) The applicant shall not tamper prosecution evidence.
- iv) Parties to act on authenticated copy.

[ABHAY S. WAGHWASE, J.]

asd