

Order below Exh.1 in Cri. Bail Application No. 93/2022

1. Bharat Keshav Hagwane,
2. Pankaj Shantaram Hagwane,
3. Kashinath Rayaji Hagwane, .. Applicants/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Upnagar Police Station, Nashik-road,
(Cr. No.I 217/2021) .. Prosecution

Order below Exh. 1.

1. This subsequent application has been filed by the applicants/accused under section **439 of Cr.P.C.** for releasing them on **regular bail** in the aforesaid Crime registered at Upnagar Police Station, for the offence punishable under section 304, 504, 506 r/w. 34 of the Indian Penal Code.

2. According to the prosecution, the FIR was lodged by PSI Sadashiv Vitthal Kokate on 09.11.2021 alleging therein that the incident took place on 06.11.2021 at Ishwar Sankalpa Society, Near Mhasoba Temple, Vihitgaon, Nashik-road. On that day, there was house-warming ceremony at Fat No.604. Many

guests were invited to attend the said function. As the function was going on, some of the guests were stuck in the lift. The deceased who was working as a Watchman, was accordingly informed. The watchman then called the concerned lift person. He came and the guests were taken out of the lift. The owner of the House No.604 and his relatives got annoyed with such incident and he held the watchman responsible. They all then slapped and assaulted the Watchman with kick and fist blows on his stomach and other parts of his body. They also abused and threatened him. The said Watchman fell down and was immediately taken to Bytco Hospital for treatment. On the next day of the incident, he was shifted to Civil Hospital, Nashik where he succumbed to his injuries. The matter came to be reported to the police station.

Based on his report, crime was registered against the accused vide CR No.217/2021 and they were arrested on 10.11.2021 and since then, they are in judicial custody.

3. The learned counsel Shri G.M.Shaikh appearing for the applicant/accused has argued that the applicants are innocent and have not committed any offence. Though unfortunately the watchman died but there was no intention to kill him. Their custodial interrogation is already over and nothing remains to be seized from them. The investigation is over and charge-sheet is filed before the trial Court. They are

ready to abide each and every conditions if any imposed. Lastly, he prayed for grant of bail to the applicants/accused.

4. The ld. APP Smt R.Y.Jadhav has argued that applicant has committed serious offence. They have killed a poor man for trifle reason. The punishment prescribed for the offence is upto ten years. Lastly, she prayed for rejection of the application.

The investigating officer has filed his reply vide Exh.5 and strongly opposed the application on the ground that offence is serious in nature and the Medical Officer has opined that due to assault, deceased succumbed to the injuries. If they are released on bail, there is every possibility of pressurizing the complainant and witnesses. On these grounds, he prayed for rejection of the application.

5. After hearing both the learned counsels and on perusal of the case papers, it appears that though the offence is serious in nature, but there appears no intention on the part of the applicants to kill him. They got annoyed as their relatives got stuck in the Lift. The charge-sheet is filed and so further detention is not required. Considering the fact that investigation is over, rising cases of Covid, Pandemic situation in the Country and as Jails are over flooded with the inmates, I am inclined to release the applicants on bail with stringent

conditions :

O r d e r

1. Application is hereby allowed.

2. Applicants/ accused – Bharat Keshav Hagwane, Pankaj Shantaram Hagwane and Kashinath Rayaji Hagwane, shall be released on **regular bail** on furnishing their P.R.bond of Rs.20,000/- each with one or more sureties in the like amount, on the following conditions:-

They shall -

(a) not act in manner injurious to the interest of the prosecution.

(b) furnish the address of his residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.

3. If the applicants/accused commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

(**Smt. S.S. Nair**)

Date : 27.01.2022.

Addl. Sessions Judge-4, Nashik.