

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, orders or Registrar's	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 22 OF 2015

PRASAD S/O BHARAT DHOLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Shermale K. N.
APP for Respondent: Mr. N. B. Patil.

CORAM: T. V. NALAWADE, J.
DATED: 19th JANUARY, 2015.

PER COURT:

1. This application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.
2. The crime is registered on the basis of report given by Nilesh Dhole. He has one cousin sister from maternal side. Deceased Suraj was real brother of this girl. Allegations are made that one Dnyaneshwar Dhole, who is a neighbour of the said girl, was teasing her and he was saying that he was in love with her. It is contended that said girl was opposing it but Dnyaneshwar and his

friends, including present applicant, were following her. Dnyaneshwar has friends like Vinayak Bhor, Mukund Dhole and Prasad Dhole - present applicants, one Sagar Dhole, one Vaibhav Dhole and one Rajendra Jambukar. On one occasion, about 8 days before the date of incident, there was a quarrel on the aforesaid count but people had separated the quarrel.

3. The incident took place on 20th August, 2014. It is contended that Nilesh and deceased were proceeding on a scooty and their scooty was intercepted at about 09.00 p.m. on Akole by-pass road at Sangamner. It is contended that the applicant and all the aforesaid friends were present and they picked up quarrel. Allegations are made that during the quarrel Vinayak Bhor gave blows of knife all of a sudden on the chest of Suraj Jadhav. It is contended that Yogesh Dhole, real brother of the complainant was passing by the said by chance and when intervened blows of knife were given by Vinayak to Yogesh also. Allegations are made that Vinayak gave blows of knife on the back and on thigh of the complainant. Allegations made are against the Applicants that they assaulted deceased, applicant and Yogesh by kick blows and fists. It is contended that

though Sagar Dhole sustained injury that was due to the blow which landed by mistake on his person and the blow was given by Vinayak. Suraj was shifted to the hospital but due to the injury he died on the same day. The crime is registered for offence punishable under sections 302, 307, 149 etc. of I.P.C. This Court has gone through the papers of investigation which include p.m. report. There was one stab injury on the left side of chest of the deceased Suraj and that injury had caused haemorrhage shock. Fracture of ribs were found on that side. Yogesh sustained three sharp wounds, two were infrascapula region and one was on deltopectoral region. Complainant sustained small CLW over upper lip and there was blunt trauma over left thigh.

4. The learned counsel for the Applicant submitted that if the statement of Nilesh and Yogesh are considered together it can be said that there is little inconsistency. Yogesh says Vinayak came there after starting of the quarrel and suddenly he used the weapon. Others were not armed with any weapon. Learned counsel for the applicants submitted that the applicants, if at all were there, they had no intention of murder. Learned A.P.P. submitted that section 149 of I.P.C. is used and it can be

used even if the blow was not given by the applicants. In view of allegations and material collected and the fact that no blood was found on their cloths this Court holds that it is not desirable to keep the applicants behind bars till disposal of the case. The applicants are behind bars since 20th August, 2014. It was submitted that this is first application.

5. In the result, the application is allowed. The applicants are to be released on bail on each of them furnishing P.R. and S.B. of Rs.15,000/-. They are not to tamper with prosecution witnesses. They are not to commit similar offence.

[T. V. NALAWADE, J.]

Dt.19/01/2015
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