

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICTION NO.2420 OF 2015.

**Dhiraj Sanjay Mattu.
Versus.
The State of Maharashtra.**

Appearance =>

Mr. Uday Malte, Advocate for the Applicant.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

Mr. S.R. Andhale, Advocate for the First Informant.

CORAM : V.M. Deshpande, J.

DATE : 10th June, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail, in connection with CR No. I 151/2013 registered with Police Station, Topkhana, Ahmednagar District - Ahmednagar for the offences punishable under Section/s 302, 326, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Section 27(1)(3) read with 135 of the Bombay Police Act.

[2] Heard Mr. Uday Malte, learned counsel for the Applicant, Mrs. S.G. Chincholkar, learned Additional Public Prosecutor for the State and Mr. S.R. Andhale, learned counsel for the First Informant, in extenso.

[3] First Information Report dated 6th April, 2013 is lodged by Deepak Ramdas Bhingardive. Since the said report was disclosing

commission of cognizable offence, Crime was registered for the offences punishable under Section/s 302, 326, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Section 27(1)(3) read with 135 of the Bombay Police Act.

[4] Deceased is Satej @ Chindu Uttam Alhat. From the First Information Report, it is clear that allegations against the present applicant is that he has pelted stone on one Vishal Shinde, who suffered injuries.

[5] Investigation is already over. The Investigating Officer has filed the challan before the court of law. According to the learned counsel for the First Informant and the learned Additional Public Prosecutor, trial is also commenced. Other available material against the present applicant show that, only allegation is that the applicant has pelted stone on Vishal Shinde only, who has suffered contusion lacerated wound and according to the Doctor, same is simple in nature.

[6] Further, the learned counsel for the applicant has invited my attention to the order/s passed by this court in various Applications by which this Court has already exercised the discretion in favour of Applicants therein, as role is similar to that of present applicant.

[7] In that view of matter, merely because the trial is commenced, the applicant cannot be kept in jail for the reason that, even according to the entire prosecution case, prima facie applicant is not responsible for the death of Satej @ Chindu Uttam Alhat and the allegations against him are that he has pelted stone on one Vishal Shinde, who suffered simple injury. Hence, I pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - Dhiraj Sanjay Mattu shall be released on regular bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] with one solvent surety in the like amount, in connection with CR No. I 151/2013 registered with Police Station, Topkhana, Ahmednagar District - Ahmednagar for the offences punishable under Section/s 302, 326, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Section 27(1)(3) read with 135 of the Bombay Police Act.
- (iii) The Applicant shall attend regularly Sessions Case No.221 Of 2013 pending on the file of the learned Additional Sessions Judge, Ahmednagar and also attend Police Station, Topkhana, Ahmednagar District – Ahmednagar once in a week, preferably on every Saturday and shall present there between 11.00 a.m. to 2.00 p.m., till disposal of trial.
- (iv) Bail before trial court.
- (v) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)