

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

**CRIMINAL APPLICATION NO. 5222 OF 2015**

Sagar s/o Vasudeo Patil & Anr. .... **APPLICANTS**

**V E R S U S**

The State of Maharashtra .... **RESPONDENT**

.....

Mr. S.P.Brahme, Advocate for Applicants.

Mrs. M.A.Deshpande, A.P.P. for Resp. - State.

.....

**CORAM : INDIRA K. JAIN, J.**

**DATE : 21<sup>st</sup> DECEMBER, 2015**

**ORAL ORDER :-**

. Here is an application for regular bail in Crime No. 138/2015 registered at M.I.D.C. police station, district Jalgaon for the offences punishable u/ss 302,307,326,143,147,148,149,337,323,120-B read with 34 of the Indian Penal Code and u/ss 37 (1) (3) read with 115 of the Bombay Police Act.

2. Heard Mr. S.P.Brahme, learned counsel for applicants and Mrs. M.A.Deshpande, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. Incident occurred on 14/05/2015 at 11.30 p.m. near Datta mandir at Ganeshwadi, Jalgaon.

Bhushan Suresh Patil is the first informant. He is brother of deceased Bhaiyya @ Chandrakant and son of another injured Suresh Patil.

4. According to complainant at the relevant time he was proceeding towards his house. That time present applicant and four other persons formed an unlawful assembly. Initially Bobdya gave a slap to him. Complainant called his father and informed him on phone that he was being assaulted. On receiving phone call, his father and brother reached the spot.

5. It is alleged that Bobdya @ Lakhan Marathe assaulted father of first informant with a knife. Another accused Chingya @ Chetan assaulted his brother Chandrakant with a knife on his abdomen. The brother and father of complainant received grievous injuries.

6. According to first informant there was previous animosity between the parties. On 17/02/2015 on the day of Mahashivratri quarrel took place between first informant and Sunny Patil. The father of first informant pacified Sunny Patil. On that Chingya @ Chetan raised a quarrel. The incident was reported to police. In view of earlier incident present applicants and co-accused assaulted first informant, his brother Chandrakant and father on 14/05/2015. In the said incident, Chandrakant received multiple stab injuries and died on the same day.

7. On going through F.I.R. and statements of eye witnesses who are neighbourers it can be seen that role attributed to applicants Sagar and Laxman is that they beat the injured with kicks and fists and assaulted by pelting stones. The main role is attributed to other accused.

8. Both the applicants were arrested on 15/05/2015. Since then they are in custody. Their past antecedents are clean and clear. Charge sheet has been filed. Considering the role attributed to both the applicants this court finds that no purpose would be served by keeping applicants in further custody.

9. In the above premise application deserves to be allowed. Hence, the following order.

### **ORDER**

- (i) Criminal Application No. 5222 of 2015 is allowed.
- (ii) Applicant No. 1 Sagar s/o Vasudeo Patil and applicant No. 2 Laxman @ Lakshya s/o Deelip Shinde are released on bail in Crime No. 138/2015 registered at M.I.D.C. Police station, district Jalgaon for the offences punishable u/ss 302,307,326,143, 147,148,149,337,323,120-B read with 34 of the Indian Penal Code and u/ss 37 (1) (3)

read with 115 of the Bombay Police Act on P.R. and S.B. of ₹ 25,000/- [Rupees Twenty Five Thousand] each.

- (iii) Applicants shall not tamper with the prosecution evidence and shall make themselves available as and when required.
- (iv) Till conclusion of trial applicants shall keep themselves away from the jurisdiction of M.I.D.C. police station, district Jalgaon except for the purpose of trial with prior intimation to concerned police station.
- (v) Bail before the trial court.

**[INDIRA K. JAIN]**  
**JUDGE**