

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

**CRIMINAL APPLICATION NO. 5962 OF 2015**

Mohan s/o Dhondiba Kakade ..... **APPLICANT**

**V E R S U S**

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

.....

Mr. Joydeep Chatterji, Advocate for Applicant.

Mr. B.A.Shinde, A.P.P. for Resp. - State.

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

**DATE : 14<sup>th</sup> DECEMBER, 2015**

**ORAL ORDER :-**

. Here is an application for regular bail in Crime No. 87/2015 registered at Chandanzira police station, district Jalna for the offences punishable u/ss 302,307,143,147,148,149,324,323,114 of the Indian Penal Code and u/s 135 of the Bombay Police Act.

2. Heard Mr. Joydeep Chatterji,, learned counsel for applicant and Mr. B.A.Shinde, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. It is the case of prosecution that on

29/06/2015 at 7.45 p.m. Sayyed Sattar brother of first informant Sayyad Nazim after praying Namaz came home and then went to shop. One Shaikh Sajid informed the complainant on phone that his brother Sayyed Sattar was proceeding to take tea at Sham Tea house and on the way he was assaulted by Rahul, Amol and Mohan Dhondiba Kakde due to which he had sustained injuries. Incident was then reported to police, counter complaint was also lodged.

4. The role attributed to applicant is that he instigated his sons Amol and Rahul to assault the victim. Statement of witness Pralhad Raosaheb Tangade was recorded during investigation on 30/06/2015. At the relevant time Pralhad was working in a nearby shop. He saw quarrel between some persons and Rahul Kakade. So he informed the applicant on phone about quarrel. This creates doubt regarding presence of applicant on the spot at the time of assault.

5. It is pertinent to note that victim died on 18/07/2015. After the incident he was alive for a long time. Statement of victim has not been recorded by investigating agency. No reason is assigned for the same.

6. Considering the role attributed to applicant and since there were counter complaints this Court is inclined to allow the application. Hence, the following order.

**ORDER**

- (i) Criminal Application No. 5962 of 2015 is allowed.
- (ii) Applicant Mohan s/o Dhondiba Kakade is released on bail in Crime No. 87/2015 registered at Chandanzira police station, district Jalna for the offences punishable u/ss 302,307,143,147,148,149, 324, 323,114 of the Indian Penal Code and u/s 135 of the Bombay Police Act on P.R. and S.B. of ₹ 25,000/- [Rupees Twenty Five Thousand] each.
- (iii) Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required.
- (iv) Till conclusion of trial applicant shall not enter the jurisdiction of Chandanzira police station except for the purposes of trial and in other contingency without prior intimation to the concerned police station.
- (v) Bail before the Sessions Court.

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

