

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO.206 OF 2015**

Rahul Suresh Shelar  
Versus  
State of Maharashtra

....Applicant.

...Respondent.

Mr. Niranjan Mogre, advocate for the Applicant.  
Ms. Veera Shinde, APP for the respondent-State.

**CORAM : MRS. MRIDULA BHATKAR, J.**

**DATED : April 8, 2015.**

**P.C.:**

Application is moved for bail as the applicant-accused is facing charges under Sections 302, 143, 147, 148, 149, 342, 504 and 506 of the IPC. Offence is registered at C.R.No.164 of 2014 of the Daund Police Station on 25.5.2014 at the instance of informant Ajit Shelar, son of the deceased. In the midnight of 25.5.2014, mother of the informant received phone from Ajit Narayan Shelar neighbour of the accused that Dadasaheb Shelar was assaulted and, therefore, he called them at his house. Therefore, complainant, his mother and some other persons went to the house of Ajit and at that time he told to go to the house of Somnath Bhagwan Shelar i.e. one of the accused. Door of the house of Somnath

was closed. After knocking, it was opened. When complainant, his mother and other persons went inside, they found that Dadasaheb was lying on the floor. His hands were tied. Except underwear, there were no clothes on his body. They noticed injuries all over his body. At that time, co-accused told informant that they have finished his father and did not shout otherwise they would eliminate him also. On hearing this conversation, other persons arrived there. At that time, all accused persons left the house. Dadasaheb Shelar was declared dead when he was taken to the hospital. Applicant-accused was arrested on 25.5.2014. He is inside since then. Hence, this bail application.

2           The learned counsel has submitted that the applicant-accused as per the case of the prosecution was present at the relevant time in the house where Dadasaheb was assaulted. He submitted that he is nephew of Somnath Shelar and he stays in the same vicinity so he was there. He submitted that there is no evidence against him. There is no recovery. Statements of the other witnesses disclose that he was present there. Apart from this, applicant-accused has not attributed any role. The learned counsel submitted that the applicant-accused is 22 years old and has completed diploma in engineering and he is gainfully employed. He has no criminal antecedents.

3           The learned prosecutor while opposing the bail application points out that there is recovery of blood stained shirt from the accused. She relied upon the statement of Sunita, who says that the applicant-accused entered the house along with other accused. They all were armed with weapons and they started beating her and the deceased as they were in a compromise position. She relied upon the statement of one Hiranman, who states that when the door was open, he found the applicant-accused inside.

4           Perused the statements of witnesses and the FIR. Sunita wife of Somnath co-accused was having illicit relations with the deceased and they were found in compromise position and then suddenly main members in the family got enraged and they all assaulted Sunita and Dadasaheb. Statements disclose that the applicant-accused was present at that time and there is general role that along with all, he started beating Sunita and other persons. In view of this, considering the submissions of the learned counsel for the applicant-accused, I am inclined to grant bail on following terms and conditions:

- i)   The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;

- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence while on bail;
- iii) The applicant shall attend the Court dates.

**(MRS.MRIDULA BHATKAR, J.)**