

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.254 OF 2015

Mahadev Shankar @ Shankarppa Sutar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Ritesh Thobde for the Applicant
Mr.J.H. Ramugade, APP, for Respondent – State

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

DATE: **MARCH 23, 2015**

P.C.:

1. This application is moved for bail as the applicant is facing charges under section 302 r/w 34 of the Indian Penal Code at C.R. No.138 of 2014 registered with the Akkalkot South police station, District Solapur. The minor son of the co-accused Siddharama Sutar was found murdered four years prior to the incident of assault, which took place on 4.10.2014. The deceased Prakash was prosecuted for the murder of Shashikant @ Bandu Sutar. However, he was acquitted six months prior to the incident. So Siddharam and his elder son Sachin were holding grudge against Prakash. On 4.10.2014, Siddharam and Sachin were armed with sword and the present applicant/accused and the co-accused Iranna were holding a pointed iron rod and they all assaulted the deceased Prakash,

who succumbed to the multiple injuries and died on the spot at around 8.15am.

2. The applicant/accused was arrested on 5.10.2014 and he is in the prison since then. The learned Counsel for the applicant/accused went through the statement of the witnesses in the chargesheet and has submitted that except the mother of the deceased, no witnesses have attributed the role of actually assaulting the deceased to the applicant/accused. He submitted that the applicant/accused was present at the time of the incident but he did not participate in actual assault. He prays for bail.

3. The learned Prosecutor while opposing the application relied on the post mortem report, particularly clause No.17 wherein a description of multiple injuries especially the incised and stab wounds is mentioned. He submitted that there is a statement of the mother that the applicant/accused has assaulted the deceased Prakash.

4. Perused the statements of the witnesses and also the post mortem notes. The witness has stated about the manner in which the incident has taken place. All the witnesses say that the other co-accused Siddharam and Sachin were holding swords and they assaulted Prakash. In the statement of the mother of Prakash, she has also mentioned that the

applicant/accused and the co-accused were holding pointed iron rod and all of them cornered him and Siddharam and Sachin assaulted him.

5. In view of the roles attributed to the applicant/accused, the application is allowed on the following terms:

- 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 solvent sureties in the like amount;
- ii) The applicant shall not tamper with the evidence and shall not indulge into any kind of offence while on bail. In the event of any offence being committed, while on bail, the prosecution is at liberty to move an application for cancellation of bail;
- iii) In case the applicant/accused changes his address, he shall communicate the same to the concerned police station, immediately;
- iv) The applicant/accused shall attend on all the Court dates.

(MRS.MRIDULA BHATKAR, J.)