

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 953 OF 2015

1. Piyush Ramesh Jagtap	)	
2. Akshay Ramesh Jagtap	)	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Prakash Naik i/b. Ms. Vrishali R. Raje, Advocate, for the applicants.
Mr. Y.M. Nakhwa, APP, for the State

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 23rd July, 2015.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicants herein are arrested on 10th September and 12th September, 2014 in Crime No. 49 of 2015 registered at Kasara Police Station initially for the offences punishable under Sections 307, 325, 324, 141, 142, 143, 144, 146, 147, 148, 149, 504, 507 of IPC. Subsequently on 15.9.2014 Sachin Rongate succumbed to the injuries and hence the applicants have been charge-sheeted for the offence punishable under Section 302 read with Section 149 of IPC.

2. It is the case of the prosecution that on 10.9.2014, Mahesh Gilande lodged a report at the police station alleging therein that on

9.9.2014, he had been to the Kasara Police Station to receive his cousin. At that juncture, he had met the present applicants who had questioned him as to why the complainant and others had quarreled with Pappu Chikane on the previous day. It is alleged that they had assaulted the complainant with kick and fist blows. The complainant had informed about the incident to his maternal aunt who decided that they should go and question the accused persons about the said incident. Accordingly, the complainant, his maternal aunt and many others had gone to Ambedkar Nagar. It is a matter of record that the present applicants and the co-accused are residents of Ambedkar Nagar. The complainant was accompanied by more than ten persons. At that juncture, initially, there was an altercation which had become violent. In the said melee, Sachin Rongate was assaulted by Vasant Ubale on his head with an iron rod. It is alleged that the present applicants had assaulted Kailash Marande with wooden sticks on his hand. It is also alleged that they had assaulted Vikas and Sahadu Jakhere. Sachin Rongate was taken initially to the general hospital. His condition was serious. From there he was taken to Shahpur Civil Hospital. From there he was shifted to Sion Hospital and finally to Chhatrapati Shivaji Hospital, Kalwa. The injured was unconscious. He was diagnosed with inter-coronary injuries. Surgery was performed. The injured succumbed to the injuries on 15th

September. The cause of death is head injury. On the basis of the said report, offence was registered.

3. It is pertinent to note that at about the same time, Jenabai who belongs to the group of the present applicants, also lodged a report at the same police station against the complainant and his associates for the offences punishable under Sections 395, 141 to 149, 504, 506, 452, 427 of IPC, on the basis of which Crime no.50 of 2014 was registered.

4. Upon perusal of the injury certificate of Kailash Marande and of Latabai Rongate, it appears that Kailash had sustained simple injuries on the shaft of left Ulna and head injury on his parietal region.

5. The investigation is completed and charge sheet is filed.

6. The learned counsel for the applicants has drawn attention of this Court to the statements of eye-witnesses who have specifically disclosed that the complainant party had been to Ambedkar Nagar. Initially, the persons belonging to the group of the applicants had fled from the spot. However, they were followed by the complainant party. It prima facie appears that it could be a case of free fight in which Vasant Ubale had taken undue advantage of the situation and had assaulted the victim on his head. The applicants herein had not taken undue advantage of the situation.

7. Taking into consideration the role attributed to the present applicants and the fact that the complainant had gone to the house of the present applicants, this Court is inclined to grant bail to the present applicants. However, it is made clear that the co-accused including Vasant Ubale shall not claim parity with the present applicants.

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicants shall not reside in the jurisdiction of Kasara Police Station till conclusion of trial.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)