

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

**CRIMINAL REVISION APPLICATION NO. 115 OF 2016**

1. Laxman s/o Atchyutrao Khetre,  
Age: 44 years, Occ: Agri.,  
R/o. Sultanpur, Tq. Georai,  
Dist. Beed.

2. Ramprasad s/o Kundlik Khetre,  
Age: 60 years, Occ: Agri.,  
R/o. Sultanpur, Tq. Georai,  
Dist. Beed.

3. Dipak s/o Namdeo Bankar,  
Age: 23 years, Occ: Agri.,  
R/o. Sultanpur, Tq. Georai,  
Dist. Beed.

...Applicants

versus

1. The State of Maharashtra

2. Krishna s/o Shankar Khetre,  
Age: 49 years, Occ: Agri.,  
R/o. Sultanpur, Tq. Georai,  
Dist. Beed.

...Respondents

**WITH**

**CRIMINAL REVISION APPLICATION NO. 116 OF 2016**

1. Laxman s/o Atchyutrao Khetre,  
Age: 44 years, Occ: Agri.,  
R/o. Sultanpur, Tq. Georai,  
Dist. Beed.

2. Ramprasad s/o Kundlik Khetre,  
Age: 60 years, Occ: Agri.,  
R/o. Sultanpur, Tq. Georai,  
Dist. Beed.

3. Dipak s/o Namdeo Bankar,  
Age: 23 years, Occ: Agri.,  
R/o. Sultanpur, Tq. Georai,  
Dist. Beed.

..Applicants

versus

1. The State of Maharashtra
2. Sudam s/o Ashruba Khetre,  
Age: 35 years, Occ: Agri.,  
R/o. Sultanpur, Tq. Georai,  
Dist. Beed. ...Respondents

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Mr. H.V. Tungar, Advocate for applicants  
Mr. R.V. Dasalkar, A.P.P. for respondent/State  
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**CORAM : N.W. SAMBRE, J.**

**DATE : 4th MAY, 2016**

**ORAL ORDER :**

In these criminal revision applications, the applicants have questioned the orders dated 16/03/2016 and 30/03/2016 passed by learned Sessions Judge, Beed, in favour of respective accused, ordering their release on regular bail.

2. The facts as are necessary for deciding present criminal revision applications are as under :-

On 10/09/2015 the complainant Dipak Namdeo Bankar filed complaint alleging that on 09/09/2015 at about 7-30 p.m. present respondent-accused Krishna Khetre caught hold him and Ashok Khetre gave a knife blow above his eye. So far as other application is concerned, it is claimed that accused Sudam Khetre

caught hold of one Mahadeo Khetre and Sandip Khetre caused incise wound to Mahadeo. In nutshell, the allegation against both the respondent-accused persons is similar i.e. of caught holding respective victim, facilitating other co-accused to stab them with knife.

3. Some of the accused approached this Court for grant of regular bail and this Court has allowed the said application but for some of the accused.

4. After the investigation was over, the accused persons approached learned Sessions Judge, Beed seeking regular bail based on the investigation and parity. Learned Sessions Judge allowed the applications by the orders impugned directing their release on regular bail in the offence punishable under Sections 302, 336, 143, 148, 149, 504, 506, 120(B) of the Indian Penal Code.

5. While questioning the legality and validity of the order granting regular bail, Mr. Tungar, learned Counsel for the present applicants, would urge that the applicants before this Court in revision are original complainant and father of deceased. According to him, the applicants have every right to question the order granting bail in favour of the accused persons.

6. He would then invite my attention to the charge sheet filed in the matter whereby, according to him, the eye witnesses namely Santosh Khetre, Ashok Raut, Suman Khetre have named present applicants as an accused by attributing specific role. He would then submit that the accused persons are involved in serious crime to which there are eye witnesses. He would then add that as offence is punishable with life or death and in view of invoking of other provisions depicting the common intention of the applicants, learned Sessions Judge has committed an error by directing their release. He would submit that the order of this Court passed in Criminal Application Nos. 891 of 2016, 893 of 2016 and other similar matters granting bail in favour of the some of the accused persons is misconstrued and misread by learned Sessions Judge. He would clarify during arguments that the observations made by learned Sessions Judge that the accused Ashok inflicted knife blow on the head of the complainant causing head injuries is absolutely incorrect narration of fact, as according to him, it is the accused Ashok Khetre and not accused Ashok Unawane, who has participated in the crime of use of weapon. He would further submit that Ashok Unawane, an accused is already released by the Court below. According to him, the parity which is formed to be basis for releasing the accused on bail as is wholly misplaced. According to him, the orders do call for

interference and bail granted to the respondent-accused be cancelled.

7. Learned A.P.P. supported the applicants.

8. It is required to be noted from the investigation papers that the investigation in the matter is already complete. From the first information report and statements of the eye witnesses, it is required to be noted that the role attributed to the respondent-accused is that of holding of victim, which has resulted into facilitating other accused in stabbing the victim. It is then required to be noted that apart from allegation of caught holding victim, there are no other allegation which pin point direct involvement of the respondent-accused in the crime in question. It is then to be noted that release of other accused persons on bail by this Court, who were alleged to have participated in the crime but not used any weapon in the crime in question were already ordered to be released. Learned Sessions Judge, as such, having taken note of the fact that other accused persons are released have incorrectly referred to the case of Ashok Unawane instead of Ashok Khetre. If the case of Ashok Khetre is considered, in my opinion, inference of directing release as is drawn by learned Sessions Judge, appears to be just and proper.

9. Once learned Sessions Judge has exercised discretion and having noted in the above referred background that but for the name of accused mentioned as Ashok Unawane in stead of Ashok Khetre, other reasons for releasing them appears to be just and proper. As such, no inference in the orders impugned for grant of bail, is called for, in the revisional jurisdiction. As such, both the criminal revision applications, fail and stand dismissed.

**[ N.W. SAMBRE, J. ]**

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