

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1216 OF 2017

Bhaskar s/o. Suklal Sonwane (Dhivar)**Applicant.**

Versus

The State of Maharashtra**Respondents.**

Mr. S.S. Jadhav, Advocate for applicant.

Mr. K.N. Lokhande, APP for respondent.

CORAM : T.V. NALAWADE, J.

DATED : 20th March, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. It was submitted that this is the first application filed for bail by the present applicant in this Court and the applicant has been behind bars since 27.8.2016.

2. The crime was registered on the basis of report given by Smt. Shobhabai Thakre, widow of the deceased Dilip. The incident in question took place on 23.8.2011 after 6.00 p.m. The incident was started by the deceased himself. He was angry and with axe, he left the house in the presence of his wife and he was proceeding towards the house of Sopan Surwade. The wife went after him as deceased has taken axe with him. The

deceased then virtually dragged Sopan on the road from his house and then he gave blows of axe on the head of Sopan. Sopan collapsed on the road after he sustained bleeding injuries on the head. At that time, Dilip said that he had already committed one murder and he would not spare anybody if anybody tries to middle with him. Then people started gathering on the spot and after seeing the crowd Dilip started running away. Allegations are made that from the crowd, four persons, who include the present applicant gave chase to Dilip, held him and then they assaulted him. Allegations are made against the present applicant that he assaulted the deceased with fist blows and kicks. Allegations are made against Jagdish that he used stick against Dilip. Dilip was seriously injured and he was shifted to Government hospital where he succumbed to injuries.

3. The P.M. report shows that Dilip has sustained many injuries. The injuries were on right side of the chest also at 4th, 5th and 6th ribs. There was also hematoma under scalp. His right lung was collapsed. Below the lungs there were whitish patches which were suggestive of chronic lung disease. The death took place due to cardiorespiratory arrest due to hemorrhagic shock due to lung trauma with right subdural hemorrhage due to polytrauma.

6. The learned APP submitted that there is statement of even wife of Sopan who was assaulted showing that present applicant had given chase for teaching lesson to Dilip. There are statements of atleast nine witnesses. The learned APP submitted that if the applicant is released on bail, there is possibility of tampering with the prosecution witnesses. However, the submissions made do not show that the applicant has any bad antecedents. In view of these circumstances, this Court holds that subject to some conditions, bail can be granted to the applicant.

7. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 50,000/- with one solvent surety of like amount. He is not to tamper with the prosecution witnesses. He is not to commit similar offence. He is not to enter village Pathrale, Tahsil Yawal till the disposal of the case which may be filed against him.

[T.V. NALAWADE, J.]

SSC/