

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

CRIMINAL APPLICATION NO. 1635 OF 2017

Sunil @ Sonu Tipper s/o. Murlidhar Magar.. Applicant
Age. 21 years, Occ. Labour,
R/o. Ganesh Nagar, Garkheda, Aurangabad.

Versus

The State of Maharashtra .. Respondent

Mr.Abhaysinh K. Bhosale, Advocate for the applicant.
Mr.A.A. Jagatkar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.
DATED : 07.04.2017

P.C. :-

1. This application is filed for bail. Both the sides are heard. Papers of investigation are made available for perusal of this Court, by the learned A.P.P.

2. Charge-sheet is filed against present applicant and others for offence punishable under sections 302, 307 etc. of the Indian Penal Code and under some provisions of the Maharashtra Police Act & the SC & ST (Prevention of Atrocities) Act.

3. Crime is registered on the basis of report given

by one Vishwajit Salve, cousin brother of Ashish Salve. The incident took place on 23.10.2016 at about 17.45 hours. When the complainant learnt that some persons were assaulting Ashish, he rushed to the spot. According to him, he noticed that four persons, namely, Yogesh Chavan, Hemraj Chavan, Sonu @ Tippa – present applicant and Maruti were assaulting the deceased. The deceased had sustained bleeding injury. Blood was coming out from his nostrils and head. He was shifted to hospital. He succumbed to the injury on the same day. The post mortem report shows that there was one surface wound i.e. abrasion over lateral aspect of left wrist 3 cm x 1 cm. There was therapeutic injection marks over right lateral aspect of neck. The death took place due to head injury.

4. There are statements of eye witnesses which are to the effect that accused Maruti gave blows on the head of deceased by using cricket bat, accused Hemraj Chavan gave blow using iron road. There are allegations that other persons i.e. present applicant and Yogesh Chavan had assaulted by kick and fist blows. The record shows that Nitin Jadhav had stated that Yogesh instigated others to finish deceased and vital blows were given by Maruti and Hemraj.

5. The learned Counsel for the applicant submitted

that this Court granted bail to Yogesh Bansi Chavan in Criminal Application No.811 of 2017. The material on record shows that Yogesh is eldest brother amongst three brothers and Maruti is brother of Yogesh. There is allegation that Yogesh instigated brothers to finish Ashish. There is one more order of bail in respect of Jalinder in Criminal Application No.1305 of 2017 showing that this Court granted bail to Jalinder. The learned Counsel for the applicant, on the ground of parity, submitted that present applicant is entitled to get bail. He submitted that the applicant has been behind the bar since 24th October, 2016. The statement was made that this is the first application made in this Court. In this view of the matter, bail needs to be granted to the applicant.

i. In the result, the application is allowed.

ii. The applicant be released on bail on his furnishing PB & SB of Rs. 15,000/- (Rupees Fifteen Thousand), in connection with Crime No. 1105 of 2016, registered at Mukundwadi Police Station, Aurangabad, for the offences punishable under section 302, 307, 323, 504, 143, 147, 148, 149 of the Indian Penal Code, under section 135 of the Bombay Police Act and under section 3(1)(V) of SC & ST (Prevention of Atrocities) Act.

iii. The applicant is not to tamper with the prosecution witnesses.

iv. The applicant is not to commit similar offence.

[T.V. NALAWADE, J.]