

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

Criminal Application No.1707 of 2017

Sanjay s/o. Chavdas Sonawane (Dhivar). .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Satej S. Jadhav, Advocate, for applicant.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for respondent.

With

Criminal Application No.1855 of 2017

Naval Baburao Sonawane (Dhivar). .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Satej S. Jadhav, Advocate, for applicant.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for respondent.

Coram: T.V. NALAWADE, J.

Date: 17 April 2017

ORDER:

1) The applications are filed for bail. Both the sides are heard. Statement was made by the learned counsel for the applicants that these are the first applications filed by the two applicants for bail in this Court. The papers of investigation were made available to this Court for perusal.

2) The learned counsel for the applicants is mainly relying on the order made by this Court in Criminal Application No.1216 of 2017 date 20 March 2017. The learned counsel for the applicants submitted that this Court granted bail in favour of Bhaskar Sonawane and the case of the present applicants is not different from the case of Bhaskar Sonawane.

3) The papers of investigation show that deceased Dilip Thakare was husband of the complainant-Shobhabai. On 23-8-2016 due to some previous dispute, the deceased left home with axe and he wanted to teach lesson to one

Sopan Surwade, a neighbour of the complainant. The complainant followed the deceased as it was evening time. After reaching the house of Sopan, Dilip entered the house of Sopan by using force. He dragged Sopan outside of the house and gave blow by using axe on the head of Sopan. Sopan sustained bleeding injury in the incident. At that time deceased said that he had already committed one murder and nobody should dare to mingle with him. At that time many persons gathered and amongst them present applicants Sanjay and Nawal were there. Due to act of Dilip, these two applicants and other persons like Jagdish and Bhaskar ran after Dilip. They held him and they assaulted him with kicks and fist blows. Allegations are made that during incident Jagdish gave blows of stick to Dilip. The complainant did not dare to interfere in the incident. Dilip succumbed to the injuries on 24-8-2016. Report was given on 24-8-2016. Crime came to be registered for offences punishable under section 302 read with 34 of the Indian Penal Code and charge sheet is also filed against all the four accused for these offences.

4) This Court has gone through the post mortem report and the statements of eye witnesses. Allegations are made against the present applicants that they assaulted the deceased with fists and kick blows. There were as many as 13 injuries like abrasions and contusions over the dead body. These injuries had caused fracture to rib Nos. 4th, 5th and 6th on posterior surface on right side. There were injuries to left side chest, right lung. The observations made show that there were whitish patches which were suggestive of chronic lung disease. Haematoma was found under scalp. The death took place due to cardio-respiratory arrest due to hemorrhagic shock due to lung trauma with right subdural hemorrhage due to polytrauma.

5) This Court has considered this material which is similar as available against other accused Bhaskar. This Court had granted bail to him subject to some conditions. In view of the material available against the present applicants and the order granting bail to Bhaskar, bail needs to be granted to the present applicants also.

6) In the result, both the applications are allowed. Both the applicants are to be released on bail in Crime No.92/2016 registered at Yawal Police Station, District Jalgaon for offence punishable under section 302 read with 34 of Indian Penal Code on furnishing P.R. of Rs.15,000/- with one solvent surety in the like amount by each of them. The applicants are not to tamper with prosecution witnesses. They are not to commit similar offences. They are not to enter village Patharale, Tahsil Yawal till the disposal of the case filed against them.

Sd/-
(T.V. NALAWADE, J.)

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