

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

**CRIMINAL APPLICATION NO. 2749 OF 2017**

Jagdish s/o Rajaram  
Sonawane (Dhivar)

... Applicant

VERSUS

The State of Maharashtra

... Respondent

.....

Mr. Satej S. Jadhav, advocate for the applicant  
Mr. P.N.Kutti, A.P.P for respondent

.....

**CORAM : K.L.WADANE, J.**

**DATED : 4th JULY, 2017**

**O R D E R :**

Heard Mr. Jadhav, learned counsel for the applicant and M. P.N.Kutti, learned A.P.P. for the respondent.

2. On 24.8.2016 one Shobhabai lodged first information report to Yawal police station, District Jalgaon in reference to the incident of 23.8.2016 alleging that her husband left the house with an axe in his hand and so she followed him. Her husband dragged one Sopan and assaulted him on the head by the said axe, which resulted into severe injuries with massive bleeding. Her

husband threatened to the people gathered there. Three persons including the present applicant apprehended and assaulted her husband by kick and fist blows and with stick. Her husband succumbed while being treated at Civil Hospital.

3. Based upon the above allegations, Crime No. 92 of 2016 is registered at Yawal police station, District Jalgaon against the applicant and other accused for the offence punishable under Section 302 r/w 34 of the Indian Penal Code.

4. During investigation, present applicant was arrested on 27.8.2016. Now, the investigation is over and charge sheet is filed on 23.11.2016.

5. Mr. Jadhav, learned counsel appearing for the applicant points out the contents of the first information report, by which it is seen that present applicant has assaulted the husband of the informant namely Dilip Thakare on his hand and legs.

6. Mr. Jadhav, learned counsel further points out the cause of death of deceased due to cardio respiratory arrest due to hemorrhagic shock due to

lung trauma with right subdural hemorrhage due to polytrauma.

7. Mr. Jadhav, learned counsel further submits that all the other accused persons have been already released on bail.

8. I have perused the order passed by this Court on 20.3.2017 by which other accused persons were released on bail. More or less, the evidence appearing against the present applicant is same as has been appearing against other accused persons. So, considering the fact that present applicant assaulted the deceased by means of stick on his legs and hand, prima facie, it appears that there was no intention of the present applicant to kill the deceased.

9. Of course, the above observations are made at a very primary stage of litigation and it has no bearing on the crime in question.

10. In such circumstances, following order.

(i) Criminal Application is allowed.

(ii) Applicant be released on bail in connection with Crime No. 92 of 2016, registered

at Yawal police station, District Jalgaon, on his furnishing P.R. bond of Rs. 25,000/- with one surety in the like amount.

(iii) Applicant shall not tamper with the evidence of prosecution in any manner.

(iv) Applicant shall not contact any of the prosecution witnesses.

(v) Applicant shall not enter the limits of village Patharale, Taluka Yawal till conclusion of trial.

11. Criminal Application is disposed of.

**(K.L.WADANE, J.)**

dbm