

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1035 OF 2018

Devram Mahadu Dive ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Abhineet Pange I/b. Mr. Swapnil Chopade for the Applicant.

Mr. J.S.Lohkare, APP for the Respondent/State.

Mr. Prakash Patil, Police Sub Inspector, Dindori P.Stn. Present.

**WITH
BAIL APPLICATION NO. 1667 OF 2018**

Balu Damu Lahange ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Abhishek Yende for the Applicant.

Ms. Pallavi Dabholkar, APP for the Respondent/State.

Mr. Prakash Patil, Police Sub Inspector, Dindori P.Stn. Present.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : August 30, 2018.**

P.C.

1. The applicants herein have been arrested in C.R.No. I-39 of 2014 registered at Dindori Police Station, Nashik for offences

punishable under Section 395, 396, 397, 302, 109, 143, 147, 148, 323, 324, 427, 504 r/w. 149 of IPC, and are facing trial in Sessions Case No. 79 of 2016 pending on the file of Sessions Judge, Nashik. By the present applications the applicants are seeking their enlargement on bail.

2. Heard Shri Pange and Shri Yende, the learned Counsels for the respective applicants and the learned APP for the State.

3. I have perused the records. The records prima facie reveal that on 26th March, 2014 the owner of Aarti Hotel had committed murder of Shriram Shekhare and had thrown his body in a paddy field. In view of the said incident, on 27th March, 2014 at about 8.00 a.m. several villagers formed an unlawful assembly, armed with deadly weapons and trespassed into Aarti Hotel. They damaged several items/articles from the hotel and assaulted Ramesh Sonawane, owner of the hotel, Manoj Patil -waiter of the hotel, as well as several other persons by name Chintaman, Amar Singh and Hiraram by means of deadly weapons such as axe, iron rods, wooden rods, etc. As a result of the said assault, Ramesh Sonawane and Manoj Patil sustained severe injuries and succumbed to the injuries on the

same day. Pursuant to the FIR lodged by Dhananjay Sonawane, the aforesaid crime came to be registered against 49 accused persons and some other unknown persons.

4. I have perused the statements of the injured namely Chintaman Gaikwad, Hiraram Bewasi and Amarsing Purohit. Prima facie, these witnesses have not attributed any specific role to these applicants. It is also seen that similarly placed accused have already been released on bail by this Court as well as by the Sessions Court. Considering all these facts and circumstances, in my considered view, the applicants are entitled to be enlarged on bail. Hence the Order:-

- (i) The applicants Devram Mahadu Dive and Balu Damu Lahange be enlarged on bail, on the applicants executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty five Thousand Only) each, with one or two solvent sureties in the like amount;
- (ii) The applicants shall attend the concerned police station on the first and third Saturday of every month between 10.00 a.m. to 11.00 a.m. till the conclusion of the trial;
- (iii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person

concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned police station;

(v) The applicants to co-operate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

5. Both the applications are allowed in the aforesaid terms and are accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)

Prasanna
Pradeep
Salgaonkar

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Prasanna
Pradeep
Salgaonkar
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