

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

BAIL APPLICATION NO.1171 OF 2020

Dhanraj s/o Dnyoba Phad

Applicant

Versus

The State of Maharashtra

Respondent

Mr.J.M.Murkute, advocate for the applicant.
Mr.A.S.Shinde, APP for the Respondent.

CORAM : V.K.JADHAV, J.

DATE : 19th October, 2020.

PC :

1 The applicant is seeking bail in connection with Crime No.365/2020, registered with Police Station Gangakhed, for the offences punishable under Sections 302, 307, 354 (A), 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code read with Section 135 of the Maharashtra Police Act and under Section 4/25 of the Arms Act.

2 Heard both sides.

3 The learned Counsel for the applicant submits that the name of the applicant is not mentioned in the First Information Report and allegations are made mainly against co-accused Deepak Nagargoje and Munjaji Nagargoje. The learned Counsel submits that there were in all six persons and out of them, the informant had allegedly identified four accused persons, however, two more persons

are referred as “two unknown persons” in the complaint. The learned Counsel submits that there is no further connecting evidence against the applicant that he was one of those two unknown persons. The learned Counsel submits that even though the allegations made in the complaint are accepted as it is and even the statements of eye witnesses are perused, no specific role has been ascribed to those unknown persons and the allegations have been made mainly against co-accused persons. The learned Counsel submits that there is no criminal history. The applicant is having a fixed place of residence. The applicant is ready to cooperate with the Investigating agency. The applicant is ready to abide by the conditions, if imposed, while releasing the applicant on bail. He, therefore, submits that the applicant may be released on bail.

4 The learned A.P.P. has strongly resisted the application on the ground that the investigation is in progress and the accused persons, including the applicant, assaulted the informant in front of his house with the help of sickle, stick, etc., and even though informant’s two daughters have attempted to rescue the informant, the accused persons, including the applicant, assaulted those two daughters also. The learned A.P.P. submits that the informant was seriously injured in the said assault and then succumbed to the injuries while under treatment in the hospital. He, therefore, submits that the application may be rejected.

5 On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that name of the applicant is not mentioned in the First Information Report nor it is revealed during the course of investigation through any witness. Though there is a reference to “2 unknown persons” in the complaint, however, no specific role has been ascribed to those two unknown persons and the allegations have been made mainly against Deepak Nagargoje and Munjaji Nagargoje. There are no antecedents. In view of the same, I am inclined to grant bail to the applicant on certain conditions.

6 Hence, the following order:

(i) The applicant - Dhanraj s/o Dnyoba Phad, in connection with Crime No.365/2020, registered with Police Station Gangakhed, for the offences punishable under Sections 302, 307, 354 (A), 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code read with Section 135 of the Maharashtra Police Act and under Section 4/25 of the Arms Act, be released on bail on his furnishing Personal Bond of Rs.20,000/- (Rs.Twenty Thousand) with one solvent surety of the like amount, on the following conditions:

(a) The applicant shall not tamper with the prosecution evidence, in any manner.

(b) The applicant shall attend the concerned Police Station once in a week on every Sunday between 8.00 a.m. to 11.00 a.m. till filing of the charge sheet. So also, the applicant shall make himself available as and when required by the Investigating Officer for further investigation, if any.

7 The application is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb