

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 661 OF 2021

1. Smt. Kushalbai w/o Vishwambhar Oname
 2. Shri Pralhad s/o Pandurang Oname
 3. Shri Sattyawan s/o Namdeo Oname
- Applicants

Versus

The State of Maharashtra

Respondent

Mr. A.D Ostwal, Advocate for the applicant.
Mr. S.D. Ghayal, APP for respondent/State.
Ms. M.S. Mhase, Advocate for the informant.

CORAM : M.G. SEWLIKAR, J.

DATE : 21st October, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing applicants on bail in connection with Crime No.0150/2019 registered with Shirpur Anantpal Police Station, Tq.Nilanga, Dist. Latur, for the offences punishable under Sections 143, 147, 148, 149, 302, 307, 504 of the Indian Penal Code and under Section 135 of Bombay Police Act.

2. Facts in nutshell are that a civil suit is pending between the informant party and the accused. Informant Namdeo Sude, his father Subhash Sude, grand-father Dayanand Sude, uncle Sanjay and Balaji Sude, grand-father Dnyanoba Sude were grazing the cattle. At that time, accused Dnyanoba Oname, Jagannath Oname, Rajkumar Oname, Dinanath Oname, Pralhad Oname, Balaji Oname, Uddhav Oname, Satyawar Oname, Kushabai Oname and other accused went there with sticks, axes and sickles and assaulted the informant and others so that they should withdraw the civil suit and police complaint. Informant was assaulted by Dnyanoba by means of an axe on his head. Informant fell unconscious. When he regained consciousness, he found that his father Subhas Oname was seriously injured. Informant and his father were shifted to the hospital. His father died in the hospital. On his report, offence came to be registered under the aforesaid sections.

3. Heard Shri Ostwal, learned counsel for the applicant, Shri Ghayal, learned APP for the State and Smt. Mhase, learned counsel for the informant.

4. Learned counsel Shri Ostwal submitted that two deaths

have occurred i.e. one of Subhash Sude and and other one of Dayanand Sude. He submitted that none of the applicants assaulted any of these two deceased. Age of applicant Kushabai is 74 years, applicant Pralhad is 73 years and age of applicant Satyawan is 66 years. He submitted that there are other eye witnesses who have not stated about the presence of these applicants. The only allegation against the applicants is that applicants Pralhad and Satyawan held the informant and applicant Kushabai assaulted the informant by means of a stick. He submitted that there was a free fight and applicants and other members of their family were also injured. He submitted that considering the role of the applicants, they be released on bail.

5. Learned APP Shri Ghayal and Smt. Mhase, learned counsel for the informant submitted that informant had also received grievous injuries. Applicants were present at the spot. Injured Sanjay sustained grievous injury. Injured Balaji also sustained grievous injury. They argued that both the deceased had sustained multiple injuries. Therefore, applicants should not be released on bail.

6. Allegations against the applicants are that applicant Pralhad and Satyawar had held the informant and accused Balaji, Uddhav, Avanti and Laxman were instigating the other accused and applicant Kushalbai assaulted the informant by means of a sickle. Other accused assaulted him by means of axe and stick. Thus, the only allegation against the applicants is that applicant Pralhad and Satyawar had held the informant and applicant Kushalbai had assaulted the informant by means of a sickle. Medical certificate is placed on record. It shows that informant had sustained simple injuries by hard and sharp weapon. All the injured have been discharged from the hospital. The statement of real brother of the deceased is recorded. He has not attributed any role to any of the applicants. Having considered the entire evidence and the fact that informant had sustained simple injuries and other injured have been discharged from the hospital and that charge-sheet is filed, I am inclined to release the applicants on bail. In this view of the matter, following order is passed :-

ORDER

- i) Application is allowed.
- ii) Applicants Smt. Kushalbai w/o
Vishwambhar Oname, Shri Pralhad s/o

Pandurang Oname and Shri Satyawar s/o Namdeo Oname be released on PR Bond of Rs.50,000/- (Rs. Fifty Thousand) each, with one solvent surety each in the like amount, in connection with Crime No. 0150/2019 registered with Shirpur Anantpal Police Station, Tq. Nilanga, Dist. Latur for the offences punishable under Sections 143, 147, 148, 149, 302, 307, 504 of the Indian Penal Code and under Section 135 of Bombay Police Act, on condition that they shall not enter village Dangewadi till conclusion of the trial.

iii) Application stands disposed of.

iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1901 OF 2021 IN
BAIL APPLICATION NO. 661 OF 2021

Sanjay Dayanand Sude

Applicant

Versus

The State of Maharashtra & others

Respondents

Ms. M.S. Mhase, Advocate for the applicant.

Mr. S.D. Ghayal, APP for respondent/State.

Mr. A.D. Ostawal, Advocate for respondents No. 2 to 4.

CORAM : M.G. SEWLIKAR, J.

DATE : 21st October, 2021.

PER COURT :

Application is allowed and accordingly disposed of.

(M. G. SEWLIKAR)
Judge

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