

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 765 OF 2021

Sachin s/o Bharat Solunke

Applicant

Versus

The State of Maharashtra

Respondent

Mr. P.P. More, Advocate for the applicant.
Mrs. D.S. Jape, APP for respondent/State.

WITH
BAIL APPLICATION NO. 1076 OF 2021

1. Nitin s/o Bharat Solunke
2. Bharat s/o Raosaheb Solunke
Applicants

Versus

The State of Maharashtra

Respondent

Mr. P.P. More, Advocate for the applicant.
Mrs. D.S. Jape, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 22nd September, 2021.

PER COURT :

1. Prosecution story is that accused Vidyaman Tatyrao Barmade had come back to village Bolegaon from Uttar Pradesh.

The deceased asked him not to enter the village till his RTPCR test was done. Accused Vidyaman Barmade got enraged and had a verbal exchange with the deceased.

2. On 24th May, 2020, in the wee hours at about 2.30 am, accused Vidyaman Barmade along with the applicants in both the applications assaulted the deceased, the informant and others. At the time of the incident, deceased Shahaji Patil, Vaibhav Patil and the informant were sleeping. The deceased Shahaji was assaulted by accused Vidyaman Barmade by means of a knife in the chest and deceased Vaibhav was also assaulted by Vidyaman Barmade. Informant and his brother Bharat Patil were assaulted by applicant Nitin Solanke, Sachin Solanke and Bhibhishan Solanke by means of a rod. Deceased Shahaji Patil and Vaibhav patil were shifted to the hospital at Kasar Sirshi where the Medical Officer declared both of them as dead.

3. On these allegations, First Information Report came to be registered against the applicants in both the applications on the basis of which Crime No. 126/2020 came to be registered with Kasar Sirshi Police Station, Dist. Latur for the offences punishable under

Sections 302, 307, 326, 324, 323, 506, 337, 147, 148, 149 of the Indian Penal Code and under Section 135 of Maharashtra Police Act.

4. Heard Shri More, learned counsel for the applicants and Smt. Jape, learned APP for the State.

5. Learned counsel Shri More submitted that fatal blow was given by accused Vidyaman. Applicants did not assault the deceased. As per prosecution case, the assault was launched by them on the informant and other witnesses who are injured. He submits that they have been discharged from the hospital. They suffered simple injury. He submits that the applicants are behind the bars since 24th May, 2020.

6. Learned APP submits that the applicants were members of unlawful assembly. They assaulted the deceased and the informant when all of them were in deep sleep. She submitted that lethal weapons were used in the offence. Therefore, the applicants cannot be released on bail.

7. On perusal of the First Information Report and the

supplementary statement of the informant, it is evident that the fatal blow was given by accused Vidyaman. Because of the blow by knife in the chest of Shahaji Patil and Vaibhav Patil, both of them lost their lives. From the First Information Report and the supplementary statement of the informant it is clear that the applicants did not assault the deceased but they assaulted the informant and other witnesses. Prosecution has produced injury report of witness Sagar Patil, Shridhar Patil, Bharat Patil and Shatrughna Patil. All of them have simple injuries. Considering the nature of injuries and the period of detention and the fact that charge-sheet is filed, I am inclined to release the applicants on bail. It is not in dispute that none of the applicants has any criminal antecedent. They will be available for trial. Since charge-sheet is filed, further detention does not seem to be necessary. Hence the following order is passed :-

ORDER

- i) Both the applications i.e. Bail Application No. 765/2021 and Bail Application No. 1076/2021 are allowed.
- ii) Sachin s/o Bharat Solunke – applicant in Bail Application No. 765/2021 and Nitin s/o Bharat

Solunke and Bharat s/o Raosaheb Solunke – applicants in Bail Application No. 1076/2021 be released on PR Bond of Rs. 60,000/- (Rs. Sixty Thousand only) each with one solvent surety each in the like amount in connection with Crime No. 126/2020 registered with Kasar Sirshi Police Station, Dist. Latur, for the offences punishable under Sections 302, 307, 326, 324, 323, 506, 337, 147, 148, 149 of the Indian Penal Code and under Section 135 of Maharashtra Police Act.

iii) Both the applications stand disposed of.

iv) It is clarified that the observations made in the above order are restricted to the decision of these applications 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