

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

939 BAIL APPLICATION NO.947 OF 2021

1. HANMANT MANIK GAIKWAD
2. RAM HANMANT GAIKWAD
3. GORAKH HANMANT GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Jadhav Satej S.
APP for Respondents/State : Mr. V.M. Kagne

...

**AND
BAIL APPLICATION NO.935 OF 2021**

1. MALHARI RANGRAO GAIKWAD
2. DIGAMBAR PARMESHWAR GAIKWAD
3. SHAMBO @ MAHESH MALHARI GAIKWAD
4. SHYAM NARAYAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Gastgar Santosh B.
APP for Respondents/State : Mr. V.M. Kagne

...

**CORAM : M.G. SEWLIKAR, J.
DATE : 26th October, 2021**

PC.:-

Both these applications are being disposed of by common order as they arise out of the same crime.

2. Prosecution case is that all the applicants and the deceased were

not on good terms. The deceased was the brother of the informant. At 8.00 pm on 19th February, 2021 deceased was called out by Ram Gaikwad. Therefore deceased went out. Informant, her parents also followed him. All the applicants in both the applications along with accused Bapu Dhale, Arvind Gaikwad, Shashikant Gaikwad were there. They assaulted the informant. Applicant Ram slapped the deceased. Accused Bapu delivered blow of stick on the head of the deceased. Accused Bapu Dhale pelted stones which hit the neck of the deceased. Applicant Malhari Gaikwad assaulted the deceased on his head. Other accused beat the informant and her niece Sneha when she had come to her rescue. The deceased had sustained grievous injuries. He was shifted to the hospital at Nilanga. A little while later she was informed that the deceased was no more. On these allegations FIR came to be lodged.

3. Heard Shri Jadhav and Shri Gastgar learned counsel for the applicants and Shri V.M. Kagne learned APP for the State.

4. Learned counsel Shri Jadhav and Shri Gastgar submit that the fatal blow was given by Bapu Dhale. He had assaulted the deceased by means of a stick and also by means of stone. They submit that other applicants had no role to play in the alleged offence.

5. Learned APP Shri Kagne opposed the application. He submits

that all the applicants participated in the commission of the offence.

6. Charge-sheet is filed, therefore further detention of applicants is not warranted. On perusal of the FIR and the statement of the witnesses and the post mortem report, it appears that the deceased died due to the head injury. The said head injury is attributed to Bapu Dhale. Bapu Dhale is not before the Court. The said Bapu Dhale is alleged to have dealt a blow on the head of the deceased and also pelted stones which hit the deceased on the neck. Other accused are not alleged to have caused any injury to the deceased. Applicants are alleged to have caused injuries to the informant and her father. These injuries are simple in nature. In this view of the matter all the applicants are entitled to be released on bail. They do not have any criminal antecedents. They have fixed place of residence, therefore they will be available for trial and they are not likely to commit similar type of offence again. Hence the following order is passed:

ORDER

- I) Both the applications are allowed.
- II) Applicants in both the applications be released on PR bond of Rs.15,000/- each with one solvent surety in the like amount each, in connection with Crime No.55 of 2021 under Section 302, 143, 147, 148, 149, 323, 504, 506, 336 of the I.P.C. and under Section 135 of the Maharashtra Police Act registered with Nilanga Police Station, District Latur.

- III) These observations are made only for the disposal of these applications and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]