

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

926 BAIL APPLICATION NO. 966 OF 2021

1. Usha w/o Sandeep Sakhale
Age : 30 Years, Occu : House Wife.
2. Asha w/o Yogesh Sakhale
Age : 28 Years, Occu : Agri.,
R/o. Liha, at post Liha,
Tq. Silod, Dist. Aurangabad ... APPLICANTS
(Presently in Jail)

VERSUS

The State of Maharashtra
Through Ajantha Police Station,
Tq. Ajantha, Dist. Aurangabad. ... RESPONDENT

Shri. P. M. Nagargoje, Advocate for the applicants
Shri. V. M. Kagne, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 07 OCTOBER, 2021

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicants on bail in connection CR No. 145 of 2021 registered with Ajantha Police Station, Aurangabad under Sections 302, 307, 504, 506 read with Section 34 of the Indian Penal

Code.

2. Facts giving rise to this application are that on 10th July, 2021 the informant, her both the sons Balu alias Dadarao, Sagar alias Santosh alongwith her daughters-in-law were performing agricultural operations. Applicant Nos. 1 and 2 started abusing them on seeing the informant and her family members. When the informant and her daughter-in-law Kavita objected to it, accused Sandip Sakhale, Yogesh Sakhale, applicant Nos. 1 and 2 assaulted the informant and her family members. Accused Sandip was armed with an axe, accused Yogesh, applicant Nos. 1 and 2 were armed with sticks. All of them started beating the husband of the informant by the name of Digamber and her both the sons. Accused Yogesh delivered a blow of stick on the head of Sagar alias Santosh. Accused Sandip delivered a blow of axe on the head of her husband Digamber. Digamber fell unconscious then and there only. After the incident the deceased and injured were rushed to the hospital. The deceased died during treatment. On these allegations the

offences as aforesaid came to be registered.

3. Heard Shri. Nagargoje, learned counsel for the applicants and Shri. V. M. Kagne, learned APP for the respondent/State.

4. Shri. Nagargoje submitted that the applicant Nos. 1 and 2 did not assault the deceased. The only allegation against the applicants are that they assaulted the informant and her daughter-in-law. They suffered simple injuries. He submitted that applicants do not have criminal antecedents. Therefore, they deserve to be enlarged on bail.

5. Learned APP Shri. Kagne submitted that charge-sheet is filed. He submitted that the deceased had contused lacerated wounds which indicate that the applicants had also assaulted the deceased. He submitted that offence is serious in nature. He, therefore, prayed for rejection of the application.

6. On perusal of the papers annexed with the petition it is seen that the only allegation against the applicants is that they assaulted the informant, her daughter-in-law and her sons. There is nothing on record to show that because of the alleged beating by the applicants murder of the deceased was caused. The applicants do not have criminal antecedents. They will be available for trial. Considering the pandemic situation created due to Covid-19 and they being ladies, I am inclined to release them on bail. In view of this, following order is passed.

ORDER

1. Application is allowed.
2. Each of the applicants be released on bail on their furnishing PR bond of Rs. 25,000/- (Rupees Twenty Five thousand only) with one solvent surety in the like amount in connection with CR No. 145 of 2021 under Sections 302, 307, 504, 506 read with Section 34 of the Indian Penal Code registered with Ajantha Police Station, Aurangabad.

3. Application is disposed of.

4. 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, J.]

ssp