

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1104 OF 2021

1. Prakash Uttam Sonawane

2. Devidas Bhanudas Sonawane Applicants

Versus

The State of Maharashtra

Respondent

Mr. D.S.Jagiasi, Advocate for the applicant.

Mr. P.G. Borade, APP for respondent/State.

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 the applicants on bail.

2. Prosecution case in brief is that the deceased was the maternal uncle of the informant. Informant and accused Rahul Sonawane were not on good terms. There was a quarrel between Rahul and informant and the deceased had assured the informant that he would come to the village of the informant and would settle the matter between accused Rahul and the informant.

3. It is alleged that on 8th April, 2021, at 7.30 pm, informant and the deceased had gone to accused Punjaram. Infront of the Gram Panchayat office, accused Punjaram met the deceased and the informant and when they were talking with each other, accused Rahul Sonawane, Vishal Sonawane, Govinda Sonawane, applicant No. 1 Prakash Sonawane, applicant No. 2 Devidas Sonawane and others came there. Accused Uttam and others held the informant and his maternal uncle deceased Devendra. Accused Rahul and Vishal delivered a blow of wooden rod on the head of Devendra. Deceased Devendra sustained bleeding injury. Accused Govinda and Punjaram assaulted the informant by means of wooden rod on his wrist, abdomen and ears. On these allegations, First Information Report came to be lodged on 9th April, 2021, on the basis of which, offence under Sections 302, 307, 324, 143, 147, 148, 149, 504, 506 read with Section 34 of the Indian Penal Code, Section 37(1)(3) read with Section 135 of Maharashtra Police Act and Section 51(B) of Disaster Management Act came to be registered.

4. Heard Shri Jagiasi, learned counsel for the applicants and Shri Borade, learned APP for the State.

5. On perusal of the charge-sheet, it is seen that accused Rahul and informant were at logger heads. They were not on good terms. During the course of the incident, applicants No. 1 and 2 were present but no specific overt act is attributed to any of them. Deceased was assaulted by Rahul and Vishal. Informant was assaulted by Govinda and Punjaram. Learned counsel Shri Jagiasi submits that even in the statement of witnesses, no overt act is attributed to any of the applicants.

6. Learned APP Shri Borade submits that applicants were present at the spot and they were there with the knowledge that the assembly is unlawful and therefore, they are also liable for the murderous assault by the other accused. This is the aspect which the Trial Court will consider during the trial. At this stage, it is apparent that applicants have not been attributed any role during commission of the offence. In this view of the matter, I am inclined to release both the applicants on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicants Prakash Uttam Sonawane and

Devidas Bhanudas Sonawane be released on PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand) each with one solvent surety each in the like amount, in connection with Crime No. 39/2021 registered with Pimpalner Police Station, Dist. Dhule, for the offences punishable under Sections 302, 307, 324, 143, 147, 148, 149, 504, 506 read with Section 34 of the Indian Penal Code, Section 37(1)(3) read with Section 135 of Maharashtra Police Act and under Section 51(B) of Disaster Management Act, on condition that they shall not pressurise the witnesses.

iii) Application is 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