

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

**937 BAIL APPLICATION NO.1139 OF 2021
WITH CA/2206/2021**

**ROHIT RAJENDRA CHUNGE
VERSUS
THE STATE OF MAHARASHTRA**

WITH

**BAIL APPLICATION NO. 1038 OF 2021
WITH CA/2189/2021**

**AKASH IRAPPA DHOTRE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. Sohail Subhedar, Advocate h/f Shri. N. S. Ghanekar,
Advocate for the applicant in Bail Application No. 1139 of
2021

Shri. N. P. Patil Jamalpurkar, Advocate for the applicant in
Bail Application No. 1038 of 2021

Shri. S. W. Munde, APP for the respondent/State

Shri. Yenegure Apparao, Advocate for the informant.

CORAM : M. G. SEWLIKAR, J.

DATED : 28th OCTOBER, 2021

PER COURT :-

1. Heard.
2. Both these applications can be disposed of by
common order.

3. Prosecution case in short is that the deceased was running a tea stall. The applicants in both the applications were the customers of the deceased. The applicants in both the applications were annoyed with the deceased as the deceased used to demand money from both of them in the presence of all which the applicants did not like. The informant who is the brother of the deceased, on 20th April, 2021 came to know that the deceased was beaten and was lying in injured condition in front of the tenements of the Municipal Council on Mulaj road. Accordingly FIR came to be lodged on 21st April, 2021.

4. Learned counsel Shri. Subhedar and Shri. Patil submit that there is no evidence to connect the applicants with the offence. There was a quarrel on 18th April, 2021 between the applicants and the deceased on account of non payment of money of tea. There is no evidence to show that the deceased was seen last in the company of the applicants. No recovery is there from applicant Akash. They, therefore, pray for releasing applicants on bail.

5. Learned APP Shri. Munde and learned counsel Shri. Yeneure submit that there is recovery from the applicant Rohit Chunge. Blood stains clothes are recovered from applicant Rohit. Offence being serious in nature and committed on frivolous ground they are not entitle to be released on bail.

6. Charge-sheet is filed. On perusal of the charge-sheet it appears that only on suspicious applicants have been arrested. So far as Akash is concerned there is no evidence to connect the applicant Akash with the offence. There is no recovery from him. No eye witness is examined by the prosecution to show that applicants were the authors of the crime.

7. So far as applicant No. 2 is concerned, there is recovery of blood stains from applicant No. 2. However, CA report is still awaited. Therefore, even after filing of charge-sheet there is scanty evidence to connect the applicant No. 2 with the offence. As stated earlier there is no eye witness to

the incident. The circumstantial evidence is not also so strong as to indicate that applicants are the authors of the crime. In this view of the matter, I am inclined to release applicants on bail on putting stringent conditions. Hence the order.

ORDER

1. Applications are allowed.
2. Each of the applicants be released on bail on their furnishing PR bond of Rs. 40,000/- (Rupees Forty Thousand only) with one solvent surety in the like amount in connection with CR No. 0209 of 2021 under Section 302 read with Section 34 of the Indian Penal Code registered with Omerga Police Station Police Station, Dist. Osmanabad and on condition that they shall not tamper the prosecution evidence, shall not pressurise the witnessess and shall not enter the Omerga town till the conclusion of the trial except for attending trial.
3. Applications are disposed of.
4. Pending applications, if any, stands disposed of.
5. 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