

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1157 OF 2021

Anandrao S/o Kashinath Jadhav

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A.D. Hande, Advocate for the applicant.
Mr. S.D. Ghayal, APP for respondent/State.
Ms. A.D. Chate, Advocate for the informant.

CORAM : M.G. SEWLIKAR, J.

DATE : 27th October, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No. 0118/2020 registered with Sonkhed Police Station, Dist. Nanded, for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. Prosecution case in brief is that on 11th October, 2020, applicant Anandrao, accused Bhagwan Thombre and Sachin Urade along with brother of the informant by name Balaji Chandane

(deceased) had been to the field at about 6.00 pm. Deceased was offered liquor. All the accused including the applicant herein had a quarrel with the deceased over payment of harvesting of Soyabean. Accused Bhagwan assaulted the deceased by means of a stick and belt. Applicant Anandrao and accused Sachin assaulted the deceased with kicks and fist blows. Deceased died because of beating by the accused and the applicant.

3. Shri Hande, learned counsel for the applicant submits that there is no direct evidence to indicate that the deceased was assaulted by the applicant. Entire case is based on circumstantial evidence. Statements of witnesses recorded during investigation show that none of the witnesses had seen the incident.

4. Learned APP Shri Ghayal and Ms. Chate, learned counsel for the informant submit that the deceased, in terms of Post Mortem report, had multiple injuries (14 in number). They submit that the deceased was subjected to beating by the accused including the applicant.

5. Charge-sheet is filed. From the perusal of the statements

recorded during investigation, it appears that there is no eye witness to the incident. From the First Information Report, it is clear that the informant got a call from accused Sachin that the deceased was beaten by him and other accused. None of the witnesses says that he had seen the incident. Witness Balaji Panchal states that all of them had consumed liquor. While he was asleep, he could hear the quarrel over demand of Rs.200/-. He does not say that the deceased was beaten by the applicant and the other accused. Similar are the statements of other witnesses. It is pertinent to note that one of the accused i.e. Sachin Urade has been released on bail by this Court (Coram : V.G. Bisht, J.). The role of the present applicant with accused Sachin is identical. For this reason also, applicant is entitled to be released on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.15,000/- (Rs. Fifteen Thousand) with one solvent surety in the like amount in connection with Crime No.0118/2020 registered with Sonkhed Police Station, Dist. Nanded, for the offences punishable under Section 302 read with Section 34 of the Indian

Penal Code, on condition that he shall not tamper with the prosecution evidence and shall not influence the witnesses.

iii) Bail before the Trial Court.

iv) Application is disposed of.

v) 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

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2577 OF 2021 IN
BAIL APPLICATION NO. 1157 OF 2021

Rajaram Narayan Chandhe Applicant

Versus

Anandrao Kashinath Jadhav & another Respondents

Ms. A.D. Chate, Advocate for the applicant.
Mr. S.D. Ghayal, APP for respondent/State.
Mr. A.D. Hande, Advocate for respondent No. 1.

CORAM : M.G. SEWLIKAR, J.

DATE : 27th October, 2021.

PER COURT :

Application is allowed and disposed of accordingly.

(M. G. SEWLIKAR)
Judge

dyb