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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2634 OF 2021

1. Mohan Laxman Sawant	
2. Ankush Laxman Sawant	
3. Prakash Laxman Sawant	
4. Sharad Ankush Sawant	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Raja Thakare, Senior Advocate i/b Mr. Siddharth Jagoshte for the Applicants.

Mr. A.A.Palkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 29th SEPTEMBER, 2021

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 238 of 2020 registered with the Mhaswad Police Station, Satara, for the alleged offences punishable under Sections 302, 143, 147, 148, 149, 427 of the Indian Penal Code.

3. Learned Senior Counsel for the applicants seek bail on the ground of parity. He submits that co-accused Hanmant Sawant, Annasaheb Sawant, Yuvraj Lokhande and Hanmant Lokhande have been enlarged on bail by this Court vide order dated 13th September, 2021. He submits that infact, the role of the present applicants is lesser than that of the said co-accused and as such, on the ground of parity, the applicants be released on bail.

4. Learned APP does not dispute that parity will apply to the applicants.

5. Perused the papers. According to Shravan Appa Deokar (original accused No.6), an incident took place on 22nd November, 2020 at about 2.30 a.m. He has alleged that Lahuraj Kolekar (deceased) was apprehended red-handed committing theft of goats (cattles) and that about 50 to 60 villagers had assaulted Lahuraj with sticks and fist blows. Accordingly, Shravan Deokar (Original accused No.6 in the present C.R.) lodged an FIR which was registered vide C.R.No. 234 of 2020 with the Mhaswad Police Station as against Lahuraj Kolekar (deceased) for the alleged offence punishable under Section 379 of the Indian Penal Code.

6. On 3rd December, 2020, after more than a week, Lahuraj expired after which, his wife – Rukmini lodged an FIR (C.R.No.238 of 2020) with the Mhaswad Police Station, Satara, alleging the aforesaid offence as against the villagers. According to the complainant – Rukhmini, on 23rd November, 2020, she received information from the Sarpanch-Maruti Kolekar that the villagers of Dewad were assaulting her husband and that he was brought to the police station. She has stated that pursuant thereto, she visited the said police station alongwith her relatives. The police informed her that her husband was admitted at C.T. Hospital at Mhaswad. The complainant has stated that when she visited C.T. Hospital, she found that her husband was unconscious and after that it was revealed that he was not feeling well as he had kidney problem. She has stated that the doctors of the C.T. Hospital referred the complainant's husband for further treatment to another hospital, pursuant to which, the deceased was taken to Chirjiwan Hospital at Phaltan and thereafter, to Dewadekar Hospital, Akluj. During the course of treatment, Lahuraj Kolekar expired on 3rd December 2020. The cause of death stated in the post-mortem report of the deceased is, "*... may be due to Septicemia due to multiple vital organs Injuries due to blunt Trauma*". It appears from the post-mortem report that the Doctor was not sure whether the death was the result of the said injuries. The role of the present applicants is similar to that of

co-accused Hanmant Sawant, Annasaheb Sawant, Yuvraj Lokhande and Hanmant Lokhande who have been enlarged on bail vide order dated 13th September, 2021. Investigation is complete and charge-sheet is filed. The applicants are in custody since 7th December 2020.

7. Considering the aforesaid, in the peculiar facts of this case, further detention of the applicants, who are agriculturists, is not warranted. Accordingly the application is allowed on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall inform their latest places of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iii) The applicants to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicants shall file an undertaking with regard to clauses (ii) to (iv) in the trial Court, within two weeks of their release;

(vi) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

8. The application is accordingly disposed of in the aforesaid terms.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.