

Mr. Siddharth Jagushte, for the Applicant.

Ms. Anamika Malhotra, APP, for the State-Respondent.

PRONOUNCED ON : 23rd November, 2021.

2 From the investigation papers it appears that one Shravan Appa Devkar (original accused no.6) had lodged FIR on 22/11/2020 alleging therein that about 2-30 a.m. deceased was apprehended red-handed

while committing theft of cattles. The deceased was also assaulted by 50 to 60 villagers with sticks and fist blows.

3 It is then seen that on 03/12/2020 deceased Lahuraj expired pursuant to which his wife Rukmini lodged an FIR alleging that on 23/11/2020 she received information from the Sarpanch-Maruti Kolekar that the villagers of Dewad were assaulting her husband. She, therefore, along with her relatives visited the hospital at Mhasvad, however, the deceased was shifted to another hospital where he succumbed to the injuries on 03/12/2020.

4 Mr. Jagushte, learned Counsel for the applicant, submits that the other accused, namely, Hanumant Dada Sawant, Annasaheb Dada Sawant, Yuvraj Dada Lokhande and Hanmant Dada Lokhande have been released on bail by this Court (Coram: Revati Mohite Dere, J.) on 13th September, 2021. Therefore, the present applicant should also be released on bail as he is similarly situated.

5 As against this, Ms. Malhotra, learned APP, opposed the submissions by contending that since the deceased was involved in the cattle theft, he was assaulted by applicant and others. There was motive

to commit the offence inasmuch as the applicant and others wanted to teach a lesson to the deceased and in that attempt beat the deceased mercilessly and caused his death.

6 Perused the investigation papers. There are statements of witnesses which show that the applicant along with other accused were involved in assaulting the accused. However, this Court after referring to the Postmortem Report was of the opinion that the concerned Autopsy Surgeon was not sure whether the death resulted due to the said injuries. Investigation is complete and charge-sheet has been filed. There are no criminal antecedents. Therefore, I am also of the view that the detention of the applicant is unwarranted. Hence, the following order.

ORDER

(i) Applicant- Shravan Appa Devkar shall be released on bail in C.R. No. 238 of 2020 registered with Mhaswad Police Station, District-Satara on his executing P .R. bond in the sum of Rs. 20,000/- with one or more sureties in like amount.

(ii) The applicant shall not tamper with the prosecution evidence and shall attend the trial regularly.

(iii) The observations made herein-above are prima-facie in its nature for the purpose of deciding the bail application only. The trial Court shall not be influenced by the observations while deciding the case on merits.

(iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(v) The application is allowed in the aforesaid terms and stands disposed of accordingly.

(V. G. BISHT, J.)

REKHA
PRAKASH
PATIL

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