

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

26 BAIL APPLICATION NO.59 OF 2022

**SHARAD MARUTI BHADE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondents/State : Mr. S.B. Narwade
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 7th March, 2022**

PC.:-

Heard.

2. Informant-Gorakh and applicant Sharad Bhade are brothers. There was a dispute between informant and applicant on account of partition of the landed property. Applicant had assaulted Gorakh and his sister by name of Sangita. Gorakh had sustained fracture injury to his hand.

3. On the day of the incident i.e. on 27th August, 2019 at 11.00 pm Gorakh and his wife-Surekha went off to sleep. On 28th August, 2019 at 5.00 am applicant, his wife-Ranjana, his son-Rupesh and another son-Avesh and others came there. Applicant was exhorting deceased-Gorakh to come out of the house. Since deceased did not respond, applicant locked the door from

outside and set the house on fire. When Gorakh and his wife-Surekha came out of the house, applicant and his wife-Ranjana assaulted him and his wife-Surekha. Applicant assaulted him by means of gupti on head and by means of iron rod called Tommy on his back. Wife of applicant-Ranjana beat wife of Gorakh by the name of Surekha. Gorakh was shifted to the hospital where he died during treatment. Before his death, he had given dying declaration which was, post death, treated as FIR.

4. Learned counsel Shri Ghanekar submits that applicant died because of stove blast. There are statements of witnesses which have been recorded after 20 days of the incident indicating therein that there was a stove blast because of which both deceased suffered burn injuries on account of which they lost their lives. A false complaint has been filed by applicant and his wife on account of the landed dispute.

5. On perusal of the charge-sheet, it is seen that both Gorakh and his wife died because of burn injuries. Statement of mother of the applicant and Gorakh came to be recorded, in which she stated that she had seen applicant and his wife setting the house on fire. It is pertinent to note that Draupadabai is the mother of the applicant and she has given statement against accused/applicant that he and his wife and others set the house of Gorakh on fire. When Gorakh and Surekha came out of the house they were assaulted by

applicant and his wife-Ranjana. So far as landed dispute is concerned Draupadabai has no animosity against the applicant. The dispute was with Gorakh. Therefore, at this *prima facie* stage it appears that applicant had motive to settle the score with the deceased. In this view of the matter and considering the gruesome manner in which the offence is committed, I am not inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is dismissed.
- II) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]