

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

**927 BAIL APPLICATION NO.67 OF 2022
WITH APPLN/392/2022**

**PAWAN BHASKAR SOLUNKE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. More P. P.
APP for Respondents/State : Mr. V.S. Badakh
Advocate for Applicant in Appln/392/22 : Mr. Swapnil Dargad
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 2nd February, 2022**

PC.:-

Heard.

2. As per narration in the FIR, on 17th May, 2021 at 2.30 pm informant along with his father was returning to his village Yelnur, Tq. Nilanga, District Latur via Sindkhed. At the bridge on the brook at 3.00 pm all the accused including the applicant came there in three Innova cars and they assaulted the informant and his father. The cause of assault was the complaint lodged by the father of the informant against the applicant and the other accused. All of them were armed with sticks and stones. Both of them were beaten by sticks and stones and with kicks and fist blows. In the assault the father of the informant died. Informant was also assaulted by Siddheshwar

Solunke by means of a knife. Accused Siddheshwar aimed the blow at the abdomen of the informant but the informant intercepted blow by his hand on account of which he sustained injury on his hand. There seems to be a property dispute between the father of the informant and the applicants. On these allegations FIR came to be lodged.

3. Learned counsel Shri More submits that the tenor of the FIR shows that allegations against the applicant are general in nature. No overt act is alleged against the applicant. He submits that applicant is the resident of Pune. He is a driver of Ola cab and their electronic record indicates that he was plying Ola cab at the relevant time at Pune. He submits that he has collected data of CCTV footage on a CD and the said CD is produced with the application. He submits that there is no recovery of any weapon from the applicant. The accused whose application has been rejected by this Court (Coram: M.G. Sewlikar, J.) is distinguishable. There was recovery of stick and Bolero, the vehicle which was used in the offence. He submits that there is recovery of clothes but they do not have blood stains. He, therefore, seeks release of the applicant on bail.

4. Learned APP Shri Badakh submits that allegations are serious in nature. On account of property dispute and on account of lodging of the complaint by the father of the informant, the informant and his father were

assaulted by the applicant. He submits that role of the accused released on bail and the role of the applicant is not the same. Learned counsel Shri Dargad representing the informant adopted the submissions of learned APP. He further submits that if this Court comes to the conclusion that the applicant deserves to be released on bail, then stringent conditions may be put on him.

5. Charge-sheet is filed. On perusal of the FIR and the investigation papers, it is seen that vague and general allegations are made against the applicant and other accused. It is vaguely alleged that all the accused assaulted the informant and his father by means stick and stones. No specific act is attributed to any of the accused. The case of the applicant is distinguishable from the case of the accused who is released on bail. There was recovery of stick and Bolero used in the commission of the offence. Having regard to this the case of the applicant is distinguishable from the accused whose application was rejected. In this view of the matter, I am inclined to release the applicant on bail by imposing some stringent conditions. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.40,000/- with one solvent surety in the like amount, in connection with Crime No.129/2020 under Section 302, 307, 324, 323, 143, 147, 148, 149, 504, 506

of the I.P.C. and under Section 135 of the Maharashtra Police Act, 1951 with Nilanga Police Station, District Latur on condition that he shall not tamper the prosecution evidence and shall not enter Taluka Nilanga till the conclusion of the trial.

- III) Application for assist to APP is also disposed of.
- IV) 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.]