

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

919 BAIL APPLICATION NO.128 OF 2022

**DURGESH DEVANAND PADOLE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. Jadhav Satej S.
APP for Respondents/State : Mr. A.V. Deshmukh
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 1st March, 2022**

PC.:-

Heard.

2. Case of the prosecution is that the informant is the brother of Santosh Sasane (since deceased). He heard the screams of his brother. Informant, his nephew and Baliram Kadam went in the direction of the sound. They found deceased-Santosh lying in a pool of blood. He had sustained injuries on his head, left ear, cheek and on both hand by means of a sharp object. He expressed suspicion on Nanasaheb Upade, as the said Nanasaheb was responsible for the cancellation of celebration of Annabhau Sathe Anniversary.

3. In the supplementary statement recorded under Section 161 of

the Cr. P.C. informant for the first time mentioned the name of the applicant and others. He stated in the statement that while he was easing he heard screams. He immediately went towards the direction of screams and found that applicant and other accused were beating his brother-Santosh Sasane by means of sword, axe and stick. After completion of investigation, charge-sheet came to be filed.

4. Heard Shri Jadhav learned counsel for the applicant and Shri Deshmukh learned APP for the State.

5. On perusal of the charge-sheet, it is seen that in the FIR only the name of the applicant has been mentioned but no role has been ascribed to applicant. After two days supplementary statement of the informant was recorded and he came up with a completely different story. In the said supplementary statement, informant stated that when he was easing he heard screams of his uncle. When he went there he found the deceased was being beaten by applicant and others by means of sword, stick and axe. Considering this improvement in the story, I am inclined to release the applicant on bail. Applicant has no criminal antecedents. He is not likely to flee from justice. Moreover, this Court has released one of the accused-Govind Upade having similar role on bail. Therefore, on the ground of parity also the applicant is entitled to be released on bail. Hence, the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.15,000/- with one solvent surety in the like amount, in connection with Crime No.512/2019 under Section 302, 143, 147, 148, 149, 120-B of the I.P.C. with Renapur Police Station, District Latur on condition that he shall not tamper the prosecution evidence.
- III) 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.]