

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

918 BAIL APPLICATION NO.235 OF 2022

(i) Govinda Devidas Sonawane
(ii) Uttam Bhanudas Sonawane ...Applicants

Versus

The State of Maharashtra ...Respondent

WITH
CRIMINAL APPLICATION NO. 856 OF 2022 IN BA/235/2022

Harshal Narendra Mahajan ...Applicant

Versus

(1) The State of Maharashtra
(2) Govinda Devidas Sonawane
(3) Uttam Bhanudas Sonawane ...Respondents

...
AND
BAIL APPLICATION NO.239 OF 2022

Punjaram Bhanudas Sonawane ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH
CRIMINAL APPLICATION NO. 853 OF 2022 IN BA/239/2022

Harshal Narendra Mahajan ...Applicant

Versus

(1) The State of Maharashtra
(2) Punjaram Bhanudas Sonawane ...Respondents

...
Advocate for the Applicants : Shri D. S. Jagiasi and
Shri Shyamsunder H. Jagiasi
APP for the Respondent – State : Shri A. V. Deshmukh
Advocate for the informant to assist PP : Shri Anudeep D. Sonar

CORAM : M. G. SEWLIKAR, J.

DATE : 30th MARCH, 2022

PER COURT :-

. By these applications, the applicants are seeking bail in connection with Crime No. 74/2021 registered at Pimpalner Police Station, District Dhule, for the offence punishable under Sections 302, 307, 324, 143, 147, 148, 149, 504, 506 r/w 34 of the Indian Penal Code and Under Sections 37(1), 37(3), 135 of the Maharashtra Police Act and Under Section 51-B of the Disaster Management Act.

2. Heard learned counsel Shri Jagiasi for the applicant in Bail Application No. 239/2022. When this Court expressed its disinclination to grant any relief to the applicant Punjaram, learned counsel Shri Jagiasi sought leave to withdraw the application. Leave is granted. Application is disposed of as withdrawn.

3. Prosecution case in brief is that deceased Devendra Sawle was the maternal uncle of the informant. Informant and accused Rahul Sonawane were not on good terms. There was a quarrel between Rahul and informant and the deceased had assured the informant that he would come to the village of the informant and settle the matter with accused Rahul and the informant.

4. On 8th April, 2021 at 07.30 p.m., informant and deceased Devendra had gone to accused / applicant Punjaram. In front of the Grampanchayat Office, accused / applicant Punjaram met the deceased Devendra and the informant and when they were talking with each other, accused Rahul Sonawane, Vishal Sonawane, applicant Govinda and applicant Uttam came there. Applicant Uttam and others beat the informant. Accused Rahul and Vishal delivered a blow of wooden rod on the head of Devendra. Deceased Devendra sustained bleeding injury. Applicant Govinda and accused / applicant Punjaram assaulted the informant by means of wooden rod on his wrist, abdomen and ears. On these allegations First Information Report came to be registered under the aforesaid sections.

5. Heard Shri Jagiasi, learned counsel for the applicants and Shri Deshmukh, learned APP for the respondent -State and Shri Sonar, learned counsel for the informant assisting APP.

6. On perusal of the charge-sheet it is seen that accused Rahul and informant are on cross terms with each other. They were not on good terms. From the allegations in the FIR it appears that no overt act is attributed to any of the applicants.

7. Learned APP Shri Deshmukh, learned counsel Shri Sonar

assisting APP submit that the applicants assaulted the informant. They further submit that the applicants and other accused had formed unlawful assembly and each of them is responsible for the acts done by other. Therefore, applicants are not entitled to be released on bail.

8. As stated earlier, applicants have not been attributed any specific overt act. They are not alleged to have assaulted the deceased Devendra. However, they are alleged to have assaulted the informant. Role of the accused is one of the considerations for releasing the accused on bail as held by the Hon'ble Supreme Court in the case of ***Sushila Aggarwal Vs. State of (NCT of Delhi)*** reported in ***(2020) 5 SCC 1***, the Hon'ble Supreme Court has laid down the parameters dealing with the application for bail. The Honourable Supreme Court observed that seriousness of the allegations, gravity of the offence, role of the accused, their antecedents, whether they would be available for the trial are some of the considerations for releasing the applicants on bail. In the case at hand, there are no allegations that applicants assaulted the deceased Devendra. Admittedly, informant sustained simple injuries. Having regard to this and that the applicants will be available for the trial, I am inclined to release the applicants on bail. Hence, the order :

ORDER

- (i) Bail Application No. 235 of 2022 is allowed.
- (ii) Each of the applicants be released on P.R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount in connection with Crime No. 74/2021 registered at Pimpalner Police Station, District Dhule, for the offence punishable under Sections 302, 307, 324, 143, 147, 148, 149, 504, 506 r/w 34 of the Indian Penal Code and Under Sections 37(1), 37(3), 135 of the Maharashtra Police Act and Under Section 51-B of the Disaster Management Act and on condition that they shall not pressurize the witnesses.
- (iii) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.
- (iv) Bail Application No. 239/2022 is disposed of as withdrawn.
- (v) Learned trial Court to expedite the trial.
- (vi) Criminal Application Nos. 856 of 2022 and 853 of 2022 are allowed and disposed of accordingly.

[M.G. SEWLIKAR, J.]

shp/-