

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 391 OF 2022

Charan S/o Bhimrao Upade

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A. D. Gade, Advocate for the applicant.

Mr. A. A. Jagatkar, APP for respondent/State.

CORAM : M.G. Sewlikar, J.

DATE : 1st APRIL, 2022.

PER COURT :

1. Heard.

2. Case of the prosecution is that the informant is the brother of Santosh Sasane (since deceased). On hearing the screams of his brother, he along with his nephew and Baliram Kadam went towards the direction of the sound. They found deceased Santosh was lying in a pool of blood. He had sustained injuries on his head, left ear, cheek and on both hands by means of a sharp object. He expressed suspicion on accused Nanasaheb as said Nanasaheb was responsible for cancellation of celebration on account of anniversary of Annabhau Sathe. In the supplementary statement recorded under

Section 161 of the Code of Criminal Procedure, the informant for the first time mentioned the name of the applicant and another accused. He stated in the statement that while he was easing, he heard screams. He immediately went towards the direction of the sound and found that applicant and another accused were beating his brother Santosh by means of a sword, axe and a stick. After completion of investigation, charge-sheet came to be filed.

3. On perusal of investigation papers, it is seen that only name of the applicant is mentioned in the First Information Report and no role has been ascribed to him. After two days, supplementary statement of the informant was recorded and he came up with a completely different story. In the supplementary statement, informant stated that when he was easing, he heard screams of his brother. When he went there, he found the deceased was being beaten by applicant and another accused. Thus, there is improvement in the story. Other accused having similar role are released by this Court. The role of the applicant is not different from the accused who are released on bail. Trial is not likely to commence in near future. Applicant has no criminal antecedents. He is not

likely to flee from justice. In view of this, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.15,000/- (Rs. Fifteen Thousand) with one solvent surety in the like amount in connection with Crime No. 0512/2019 registered with Renapur Police Station, Dist. Latur, for the offences punishable under Sections 302, 143, 147, 148, 149, 120-B of the Indian Penal Code, under Sections 3/25 of the Indian Arms Act and under Section 135 of the Maharashtra Police Act.
- lii) Applicant shall not enter the jurisdiction of village Palshi, Tq. Renapur, Dist. Latur till the conclusion of the trial. Before submission of bail papers, the applicant should give complete address of his proposed residence with the mobile number to the trial Court as well as to the investigation officer.
- iv) He shall not tamper with the evidence of the prosecution in any manner.

- v) He shall not indulge in any criminal activity.
- vi) Bail before the trial court.
- vii) Application is allowed.
- viii) 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.

(M. G. SEWLIKAR)
Judge

dyb