

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

BAIL APPLICATION NO.544 OF 2022

Vijayshing @ Vijushing s/o
Shersing Goke

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. S.S. Thombre, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent – State, assisted by
Mrs. A.A. Lomte, Advocate for original complainant
.....

CORAM : R. G. AVACHAT, J.

DATE : 28th JULY, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0338/2021, registered at Ambajogai City Police Station, District Beed for the offences punishable under Sections 302, 324, 323, 427, 143, 147, 148, 149 of the Indian Penal Code and Section 4/25 of the Indian Arms Act.

2. The F.I.R. has been lodged on 31/8/2021. One Dilip Dhotre. He is resident of Ambajogai, District Beed. The

informant has two brothers, Ravi (deceased) and Rahul. Persons belonging to Shikalkar community reside nearby of B & C Office at Ambajogai. They rear pigs. It is alleged that, on 31/8/2021 Dipaksing, Himmatsing @ Dagasing and Virusing came in front of their house and killed informant's pig. The informant questioned him as to why did they kill a pig, Dipaksing made a phone call to someone. In response thereto, 8 others came on motorbikes. They were armed with swords, knives, sticks etc. They questioned the informant as to why did they catch-hold of their two persons. All of them mounted attack. Co-accused Virusing caught-hold of informant's brother Ravi. Dipaksing and Himmatsing (co-accused) assaulted Ravi with knife and dagger blow. While the informant intervened, Virusing assaulted him with stick blows. The informant also sustained bleeding injuries to his little finger in an attempt to catch-hold of the dagger in the hands of Dipaksing. While informant's brother Rahul and father Abhimanyu came to rescue, they too were assaulted. As a result of the injuries suffered, Ravi died. The crime, therefore, came to be registered.

3. The learned counsel for the applicant would submit that, the name of the applicant although figures in the

F.I.R., he has not been attributed with any overt act. Investigation is over. Charge sheet is filed. He, therefore, urged for grant of bail.

4. The learned A.P.P. and learned counsel for the original complainant would, on the other hand, submit that, the applicant's role in the offence of murder is very much there in view of he being member of unlawful assembly, the common object whereof was to commit murder and related offences. They, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the F.I.R. and related police papers. Murderous assault has been made by Dipaksing and Himmatsing (co-accused). Virusing allegedly caught-hold of the deceased so as to facilitate attack on him (Ravi). The applicant herein has not been attributed with any overt act. I am, therefore, inclined to grant bail to the applicant. Hence the order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with

Crime No.0338/2021, registered at Ambajogai City Police Station, District Beed for the offences punishable under Sections 302, 324, 323, 427, 143, 147, 148, 149 of the Indian Penal Code and Section 4/25 of the Indian Arms Act on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

(iv) The applicant shall mark his appearance before the investigating officer on every Sunday between 6.00 p.m. to 7.00 p.m.

(v) The applicant shall not enter Ambajogai town for next six months except for marking his appearance before the investigating officer as stated above.

**(R. G. AVACHAT)
JUDGE**

fmp/-