

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

BAIL APPLICATION NO.938 OF 2022

Sachin @ Gotya Somnath Pradhan ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Mr. S.P. Brahme, Advocate for applicant
Mr. D.R. Kale, Public Prosecutor for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 1st AUGUST, 2022.

PER COURT :

Heard learned counsel for the applicant. 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.547/2021, registered at M.I.D.C. Waluj Police Station, District Aurangabad for the offence punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code.

2. The F.I.R. has been lodged by brother of the deceased on 22/7/2021. The incident took place at 10.20 p.m. on 21/5/2021 in front of Hotel jai Bhavani at Bajajnagar, Waluj. It is alleged therein that the applicant along with Ajay, Namdeo, Sachin, Darshan and three unknown persons were

assaulting the deceased with fist and kick blows. The deceased was also assaulted with stones . The informant was told about the incident being in progress, on phone. He, therefore, rushed to the scene to notice the applicant and the co-accused assaulting the deceased as stated above. It has further been alleged in the F.I.R. that the co-accused Ajay dropped a stone on the head of the deceased. The cause of death is stated to be head injury. As such, fatal blow is attributed to co-accused Ajay. Ajay is not before this Court. Criminal liability of the applicant for the offence punishable under Section 302 of the Indian Penal Code is sought to be invoked with the aid of Section 34 or 149 of the Indian Penal Code. Learned counsel for the applicant, therefore, urged for grant of bail to the applicant.

3. Learned A.P.P. would, on the other hand, submit that considering the seriousness of the offence, the bail application may be rejected.

4. Considered the submissions advanced. Perused the F.I.R. and the related papers. Since the fatal blow has been given by the co-accused Ajay and the applicant allegedly assaulted the deceased with fist and kick blows, and considering his role in the offence and the fact that the

applicant is behind the bars for little over one year, this Court is inclined to grant bail to the applicant. Hence the order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released in connection with Crime No.547/2021, registered at M.I.D.C. Waluj Police Station, District Aurangabad for the offence punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code 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 not enter the jurisdiction of Waluj M.I.D.C. Police Station till conclusion of the trial. The applicant shall mark his attendance at the concerned police station on 2nd and 4th Sunday of every month between 12.00 noon to 1.00 p.m. till conclusion of the trial.

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

fmp/-