

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

BAIL APPLICATION NO. 1327 OF 2022

Hemant @ Viccky Ishwar Chaudhari

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. A.K. Bhosle, Advocate for applicant

Mr. S.P. Sonpawale, A.P.P. for respondent - State

....

CORAM : R.G. AVACHAT, J.

DATE : 08th SEPTEMBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 224 of 2022 registered with Zillhapeth Police Station, Dist. Jalgaon for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 324, 323, 504 and 506 of the Indian Penal Code, under Sections 135 and 37(3)(1) of the Maharashtra Police Act and under Section 4 and 25 of the Arms Act.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged on 18th March, 2022 by one Arun Gosavi. It is his case that when he alongwith Suraj (deceased) were

returning from hospital on the given day by 04.30 p.m., co-accused Sachin, Akash and 4-5 unknown persons intercepted and beat them up. As a result of the injuries, Suraj was admitted to the hospital. He died on 31st March, 2022 i.e. after twelve days of the incident. The cause of death is stated to bilateral lobar pneumonia following multiple injuries with head injury.

4. Learned A.P.P would submit that the offence is serious one. The applicant has been identification in test identification parade. The deceased died as a result of the assaults made by the applicant and co-accused. He, therefore, urged for rejection of the application.

5. Name of the applicant does not figure in the F.I.R. The informant gave supplementary statement, wherein the applicant is attributed with an assault with fists and kicks. Co-accused are attributed with the assault of kicks and sharp weapon. Considering the role played by the applicant in the offence in question and the fact that the charge-sheet has been filed, the Court is inclined to grant him bail.

6. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 224 of 2022 registered with Zillhapeth Police Station, Dist. Jalgaon for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 324, 323, 504 and 506 of the Indian Penal Code, under Sections 135 and 37(3)(1) of the Maharashtra Police Act and under Section 4 and 25 of the Arms Act, on 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.

(R.G. AVACHAT, J.)

SSD