

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

912 BAIL APPLICATION NO.1642 OF 2022

1. Ritesh s/o Siddharth Rajbhoj,
Age; 23 years, Occ. Education,
2. Siddharth s/o Tulshiram Rajbhoj,
Age; 50 years, Occ; Reporter,

Both R/o; Degaonchal, Nanded
Tq. & Dist. Nanded.

...Applicants
(Original Accused)

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Vazirabad Police Station,
Nanded, Tq. & Dist. Nanded.

...Respondent
(Original Complainant)

...
Advocate for Applicants : Mr.Gangakhedkar Shailendra S.
APP for Respondent-State : Mr.V.S.Chaudhari
...

CORAM : S. G. MEHARE, J.

DATE : 22.11.2022.

PER COURT :

1. Heard the learned counsel for the applicants and the learned APP for the respondent State.

2. After hearing the learned Counsel for the parties, the Court expressed disinclination to grant bail to applicant No. 2, the

learned Counsel for the applicants, on instructions, seeks leave to withdraw the bail application of applicant No. 2. Leave granted. The bail application of applicant No. 2 Siddharth stands dismissed as withdrawn.

3. The learned counsel for the applicants submits that the applicants were not named in the FIR, which was given in detail, with specific role attributed to the persons named therein.

4. The applicants are the relatives of the co-accused, hence they have been targeted. The allegations have been levelled against applicants afterthought. The applicant No. 1 Ritesh has 40% visual infirmity. He, in fact, has not played any role in the incident. Nothing has been recovered from the applicant No. 1 Ritesh. After the incident, the house of the applicant was set on fire by the Complainant side. The police did not recover anything from their house. Most of the investigation is over. There is no male member in the family to look after. He produced a disability certificate of applicant No. 1 Ritesh.

5. The learned APP has vehemently opposed the application contending that the offence is serious. The delay in recording the statements of the witnesses may be explained during the trial. There

was recovery of knife at the instance of applicant No. 2. The applicants were aggressive. Applicant No. 1 Ritesh has played active role in committing the crime. When the incident happened, many persons were assaulted. The injured has specifically stated the role attributed to the applicant. The offence of murder has been registered against the applicant. Hence he may not be released on bail.

6. Perused the charge-sheet. It is no doubt that the applicant was not named in the FIR, though he is resident of the same locality. On the next day of the incident, a supplementary statement of the complainant has been recorded and thereafter a statement of the injured has been recorded, wherein, it has been alleged against the applicant that he came on the spot with weapons like knife and sword. He assaulted the injured by kicks, so the injured was fell into the drain. However, the fact remains that nothing has been recovered from the applicant. Applicant Ritesh has 40% visual infirmity. He is young boy. Considering non recovery of weapon at the instance of applicant No. 1 and his physical condition, he may be granted bail. Hence, the following order :

- i). The bail application is partly allowed.
- ii). The applicant No. 1 Ritesh s/o Siddharth Rajbhoj be released on bail, on his furnishing P.B. &

S.B. of Rs. 15,000/- (Rs. Fifteen Thousand Only) with one solvent surety in the like amount, in Crime No. 60 of 2022 registered with Vazirabad Police Station, District Nanded for the offences punishable under Section 302, 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 4 and 25 of the Arms Act, 1959, on condition that (i) he shall not temper with the prosecution witnesses and (ii) he shall co-operate with the investigation and trial.

(S. G. MEHARE)
JUDGE

mahajansb/