

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

927 BAIL APPLICATION NO.1477 OF 2021

1. BONDA HUNYA VALVI
2. KAGADA HUNYA VALVI
3. VASANT KAGADA VALVI
4. DARASING KAGADA VALVI
5. VELJA HUNYA VALVI
6. KUSAL VELJI VALVI
7. BHAGA @ BAGA THAVRYA VALVI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Savale Amit S
APP for Respondents/State : Mr. V.S. Badakh

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CORAM : M.G. SEWLIKAR, J.
DATE : 4th January, 2022

PC.:-

This is an application under Section 439 of the Cr.PC. for releasing the applicants on bail in connection with Crime No.239/2021 registered with Dhadgaon Police Station, Nandurbar under Section 302, 143, 147, 148, 149, 504, 506 of the I.P.C.

2. Allegations against the applicants are that on 25.06.2021 at 1.30 pm a quarrel was going between applicant no.1-Bondya with the cousin of the informant by the name of Sundya Valvi. The deceased Vijay Valvi was the brother of the informant. The deceased Vijay Valvi intervened and tried to

solve the quarrel. The deceased was trying to control applicant no.1-Bondya. Applicants and one Phoprya Valvi assaulted the deceased by means of a stone on the chest of the deceased. Other applicants beat the deceased with kicks and fist blows. Deceased was shifted to Government Hospital, Dhadgaon. The doctor at Dhadgaon recommended the deceased to be taken to Civil Hospital, Nandurbar. However, informant and his family members wanted the deceased to be admitted in private hospital. Before the deceased could be shifted to private hospital he succumbed to the injuries. On these allegations offence as aforesaid came to be registered against the applicants.

3. I have heard the learned counsel Shri Savale for the applicants and Shri Badakh learned APP for the State.

4. Charge-sheet is filed. On perusal of the FIR and the charge-sheet it appears that in terms of post mortem report the deceased had four injuries, whereas the applicants are seven in numbers. General allegations are made against all the applicants that they assaulted the deceased with kicks and fist blows on the abdomen and back of the deceased. The main accused Phoprya Valvi is not amongst the applicants. Therefore, having considered the role of the applicants in the alleged offence, I am inclined to release the applicants on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicants be released on PR bond of Rs.20,000/- each with one solvent surety in the like amount each, in connection with Crime No.293 of 2021 under Section 302, 143, 147, 148, 149, 504, 506 of the I.P.C. registered with Dhadgaon Police Station, Nandurbar on condition that they shall not interfere in the investigation and shall not tamper the prosecution evidence and co-operate the trial Court in disposing of the trial.
- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]