

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1557 OF 2021

1. Rupesh Dattatraya Mankar

2. Machindra Eknath Dhanwade

Applicants

Versus

The State of Maharashtra

Respondent

Mr. N.V. Gaware, Advocate for the applicant.

Mr. A.V. Deshmukh, APP for respondent/State.

Mr. P.A. Bharat, Advocate for informant.

CORAM : M.G. Sewlikar, J.

DATE : 12th JANUARY, 2022.

PER COURT :

1. By this application, applicants are seeking bail in connection with Crime No. 0551/2021 registered with Shevgaon Police Station, Dist. Ahmednagar, for the offences punishable under Sections 306, 364, 385, 279, 504, 506 read with Section 34 of the Indian Penal Code.

2. Facts leading to this application are that informant is the son of deceased Vinayak Madke. It is alleged that applicants No. 1 and 2 and accused Mukesh Mankar had created a terror in the

village. About 8 days prior to the incident, at 10.10 am, accused Nos. 1 to 3 were travelling in a four wheeler Fortuner bearing No. 2223 and they hoodwinked his father Vinayak Madke. When deceased questioned the applicants and accused Mukesh Mankar, all of them got down from the vehicle and abused deceased Vinayak Madke.

3. It is further alleged that on the next day, all the three accused demanded money from deceased for drinking liquor. When deceased refused to give them money, all the three accused abused the deceased in filthy language and assaulted him with kicks and fists blows. On 9th September, 2021 at 7.15 pm, applicant had called on the phone of the informant and abused the informant. At 9.15 pm, all the three accused went to the house of the informant in the said Fortuner. They called out deceased Vinayak Madke and abducted him in the vehicle. Informant called on the phone of applicant No. 1. At that time, informant heard the sound of beating and screaming of his father. Informant started searching his father. He saw the four wheeler Fortuner standing in front of hotel Suyog. He saw that all the three accused were beating the deceased with kicks and fists blows. After some time, he came back with his elder brother Gorakh Madke and started searching for their father. They

found that the deceased had committed suicide by hanging. On these allegations, First Information Report came to be lodged.

4. When this Court expressed its disinclination to grant any relief to applicant No. 1, learned counsel for the applicant, sought permission to withdraw the application to the extent of applicant No. 1. Learned counsel for the applicant submits that applicant No. 1 may be permitted to file application for regular bail before the trial Court if the trial does not get concluded within a specified period.

5. Charge-sheet is filed. So far as applicant No. 2 is concerned, he does not have criminal antecedents. Role of applicant No. 2 is not as serious as that of applicant No. 1 and accused Mukesh Mankar. Applicant No. 2 had made a call either to the deceased or to the informant. Informant had also made a call to applicant No. 1. Therefore, considering the role of applicant No. 2 and the fact that he has no criminal antecedent, I am inclined to release him on bail. Learned APP and learned counsel Shri P.A. Bharat, assisting APP, submit that two offences under Section 12A of the Indian Penal Code are pending against applicant No. 2. However, there is no evidence to show that any offence against human body is

alleged to have been committed by applicant No. 2 except the present offence. Applicant No. 2 will be available for trial. In this view of the matter, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application to the extent of applicant No. 1 is disposed of as withdrawn. If trial does not get concluded within a period of one year, applicant No. 1 is at liberty to move the trial Court for bail. In that eventuality, the trial Court to decide the application on its own merits.
- ii) Application to the extent of applicant No. 2 is allowed.
- iii) Applicant No. 2 Machindra Eknath Dhanwade be released on PR Bond of Rs. 30,000/- (Rs. Thirty Thousand) with one solvent surety in the like amount in connection with Crime No. 0551/2021 registered with Shevgaon Police Station, Dist. Ahmednagar, for the offences punishable under Sections 306, 364, 385, 279, 504, 506 read with Section 34 of the Indian Penal Code, on condition that he shall not tamper the prosecution evidence.

iv) Application is disposed of.

(M. G. SEWLIKAR)
Judge

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3084 OF 2021 IN
BAIL APPLICATION NO.1557 OF 2021

Tulsiram s/o Vinayak Madake

Applicant

Versus

Rupesh s/o Dattatraya Mankar & others

Respondents

Mr. P.A Bharat, Advocate for the applicant.

Mr. A.V. Deshmukh, APP for respondent No. 3/State.

Mr. N.V. Gaware, Advocate for respondents No. 1 and 2.

CORAM : M.G. Sewlikar, J.

DATE : 12th JANUARY, 2022.

PER COURT :

Application is allowed.

(M. G. SEWLIKAR)
Judge

dyb

