

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1621 OF 2021

Satish S/o Bapurao Hatkar

Applicant

Versus

The State of Maharashtra

Respondent

Mr. B. N. Gadegaonkar, Advocate for the applicant.

Mr. V. S. Badakh, APP for respondent/State.

**CORAM : M.G. Sewlikar, J.**

**DATE : 2<sup>nd</sup> MARCH, 2022.**

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No. 85/2021 registered with Shivajinagar Police Station, Dist. Nanded, for the offences punishable under Section 302, 307, 506, 201 read with Section 34 of the Indian Penal Code and under Section 4/25 of the Indian Arms Act.

2. Facts leading to this application are that informant is the mother of deceased Akash Lokre. Monika, the wife of deceased Akash, was pregnant and had gone to her maternal place at the time

of the incident. Accused Rohini Thorat had illicit relations with Akash. Prashant Thorat is the brother of Rohini Thorat. Applicant is the friend of Prashant Thorat.

3. About eight days before the incident, Akash was talking on phone with his wife Monika. On seeing that, Rohini Thorat got annoyed and extorted him saying that Akash should give divorce to Monika, else Akash will be done away with.

4. On 12<sup>th</sup> February, 2022, at 4.00 pm, Rohini had been to the maternal place of Monika and she had tried to set the mother of Monika, by the name of Usha Kamble, on fire. Both the hands of Monika's mother were burnt. First Information Report has also been lodged against Rohini Thorat.

5. On 12<sup>th</sup> February, 2021, at 11.30 pm, Prashant Thorat made a phone call to Akash and called him out of the house. Akash went out of the house. Informant also followed him. Informant found that Rohini Thorat, Prashant Thorat, applicant and one unknown person were there. They were armed with knife and sword. Rohini was having bottle of petrol in her hands. She instigated

Prashant Thorat and the applicant to set Akash on fire. Thereafter, Prashat stabbed in the abdomen of Akash and applicant assaulted on his head. Rohini poured petrol on Akash and she lit a matchstick and threw it on Akash. Applicant assaulted the nephew of the informant by the name of Siddharth on his neck but Siddharth evaded it. Akash was shifted to the hospital. He died during treatment.

6. Shri Gadegaonkar, learned counsel for the applicant, submits that there are statements of witnesses who do not state that applicant assaulted deceased Akash. He submits that death is due to stab injury and not due to injury on head by the applicant. He submits that except this, there is no evidence against the applicant. He, therefore, submits that applicant be released on bail.

7. Informant herself is an eye-witness to the incident. She has stated that applicant assaulted deceased Akash on his head. Statement of Siddharth shows that applicant assaulted deceased on head. Sword is not recovered from him. However, witnesses state that he had used sword. PM report shows that deceased had injury on his head. It was a sutured wound. Having regard to the manner

in which the offence is committed, I am not inclined to release the applicant on bail. Hence the following order :-

**ORDER**

Application is dismissed.

**( M. G. SEWLIKAR )**  
**Judge**

dyb