

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 406 OF 2022

Sunil Arun Adake	...Applicant
Versus	
The State Of Maharashtra	...Respondent

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Mr. Prashant S. Hagare, Advocate for the Applicant.

Mr. A. A. Palkar, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 3rd OCTOBER, 2022

PC :

1. The applicant is arrested on 17.11.2020 in connection with C. R. No. 609 of 2020 registered with Phaltan Police Station, Phaltan for offences punishable under Sections 302, 323, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. The prosecution case is that on 16.11.2020 at about 05:00 pm the accused had gathered in front of the house of the complainant. The accused questioned the complainant and others on the ground that her daughter-in-law was calling her son Rohit and asking him to come and meet her. Thereafter, the applicant and other assaulted Ashish (deceased) as well as daughter-in-law of the complainant.

The applicant had allegedly picked up axe lying on the spot and gave blow on the injured Sanket. Pursuant to arrest of the applicant and other accused, investigation proceeded and charge-sheet is filed.

3. Co-accused Ashabai @ Nakusa Arun Adake, Jaya Balu Jadhav and Archana Dada Khomane had preferred an application for bail before this Court. Considering role attributed to them this Court had granted bail to them vide order dated 05.10.2021.

4. On perusal of the FIR it is apparent that several accused persons had gathered outside the house of complainant and there was exchange of words. All of them had allegedly assaulted deceased Ashish. Apparently the assault is not by any weapon. The FIR indicate that during scuffle deceased was hit to cement katta. The other injured Sanket had allegedly intervened and he was assaulted by applicant by axe. The injury certificate of Sanket indicate that he had suffered simple injury.

5. Learned APP submitted that specific role has been attributed to the applicant. He was involved in assaulting deceased and injured witness. The assault on Sanket was mounted by using axe. The offence is of serious in nature.

6. On perusal of the post mortem report and more particularly in column No.17 which in respect to surface wound and injuries mention that there is no evidence and injury on any part of body. Post mortem does not refer to any injury sustained by deceased. The opinion as to probable cause of death is reserved. From the contents of the FIR it is evident that there was quarrel between both sides. All the accused allegedly assaulted Ashish. Post mortem does not refer to any injury. Prima facie, it appears that there was no intention to commit murder. As far as role of assaulting Sanket attributed to the applicant, it is necessary to note that he had sustained simple injury. When the accused came to spot they were not armed with any weapon. There are no criminal antecedents against the applicant. Case for grant of bail is made out. Hence, I pass the following order:-

ORDER

- (i) Criminal Bail Application No. 406 of 2022 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 609 of 2020 registered with Phaltan Police Station on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

- (iii) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety.
- (iv) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (v) The applicant shall not tamper with the evidence.
- (vi) Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)