

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

CRIMINAL BAIL APPLICATION NO. 491 OF 2022

Pintu Alias Ravindra Daulat Thorat	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Satyam Nimbalkar a/w Mr. Abhishek Arote, Advocate for the Applicant.

Mr. M.G. Patil, APP for the Respondent – State.

B.S. Kamble, PSI, Manchar Police Station.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	12th OCTOBER, 2022.

PER COURT:

1. The applicant is arrested on 15th August, 2021 in connection with C.R. No.475 of 2021 registered with Manchar Police Station for offence under Sections 302 r/w 34 of Indian Penal Code.

2. The case of the prosecution is that on 14th August, 2021 the complainant's brother was at home, since morning. He left the house at about 8:00 p.m. Subsequently, one Sharad Date and Aniket Sarode brought the brother of the informant on their Scooty. The deceased had suffered several injuries. Sharad Date and Aniket Sarode informed the complainant that Ganesh Borhade and others had assaulted him. The first informant inquired with his brother the cause of injuries. His brother told him that while he was sitting outside the house, Santosh Jadhav and Sarthak Walse

came on their Scooty and took him near Jay Ambe Kirana shop owned by Ganesh Borahde. At that time accused No.1 Ganesh Borahde hurled abuses at him in front of Pintu Alias Ravindra Thorat (Applicant). It was suspected that injured had injured theft. Ganesh Borhade, Santosh Jadhav, Sarthak Walse and applicant assaulted him. The injured died on the same day. The statement of the witnesses were recorded during the course of investigation.

3. From the charge-sheet it it can be seen that the role attributed to the applicant by the witnesses is that, the applicant reached the spot of incident after all the accused had assaulted the deceased by belt and sticks. One witness state that the applicant was present at the place of incident and other witness stated that the applicant had slapped the deceased.

4. Learned Advocate for the applicant submitted that the applicant was not armed with any weapon. He has not participated in the assault alongwith the other accused. He is custody from the date of arrest. There are no criminal antecedent against them.

5. Learned APP submit that the place of the premises where incident had occurred belongs to the applicant. The applicant had joined the other accused after the deceased was assaulted. The deceased had sustained several injuries which resulted in his death.

6. The version of the witnesses indicate that either the applicant was present at the scene of offence or that he had slapped the deceased after assault by other accused. Undisputedly the applicant was not armed with any weapon. He is not author of the injuries suffered by the deceased. It is also not the case of the prosecution that the victim was taken to the place of incident at the instance of the applicant. Consider these factual aspects, bail can be granted to the applicant.

ORDER

- i. Criminal Bail Application No. 491 of 2022 is allowed;
- ii. The Applicant is directed to be released on bail in connection with C.R. No.475 of 2021 registered with Manchar Police Station on executing PR. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- iv. Applicant shall report concerned police station once in a month on first Saturday of month between 11.00 am to 1.00 pm till further order.
- v. Application stands disposed off.

(PRAKASH D. NAIK, J.)