

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.876 OF 2022

1. Bhagwat Motiram Lilake And

2. Dharmaraj Motiram Lilake

...Applicants

vs.

The State of Maharashtra

...Respondent

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Mr. Aniket Vagal, a/w. Mr. Kunal Pednekar and Mr. Dinesh Mehani, for the Applicants.

Ms. V. Shinde, APP, for Respondent/State.

Mr. Ajay Kaute, PSI, Dindori Police Station, Nashik Rural, present.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 21 NOVEMBER 2022

P.C. :

This is an application under Section 439 of Cr.P.C. filed by the aforesaid Applicants who are facing trial in Sessions Case No.154 of 2020 for offences punishable under Sections 143, 147, 148, 149, 302, 323, 324, 341, 427, 504, 506 of the Indian Penal Code, 1860.

2. Heard Mr. Vagal, learned Counsel for the Applicants and Ms. Shinde, learned APP for the State. I have perused the records and considered the submissions advanced by learned Counsel for respective parties.

3. The complainant Rajendra Ramdas Paradhi had lodged the First Information Report on 2 January 2020 alleging that the Applicants and others had formed an unlawful assembly armed with deadly weapons with common object of assaulting and causing death of Shivaji Paradhi. It is stated that Shivaji Paradhi expired as a result of the injuries inflicted by the Applicant and the other co-accused. Pursuant to the FIR lodged by Rajendra Ramdas Paradhi, Crime No.1 of 2020 came to be registered against the Applicant and other co-accused at Dindori Police Station for committing aforesaid offence.

4. The FIR prima facie indicates that Applicant No.1 had inflicted fatal injuries on Shivaji. Considering the above fact, learned Counsel for the Applicants states that he is not pressing for the relief on behalf of Applicant No.1 Bhagwat Lilake. There is no prima facie material to indicate that Applicant No.2 had inflicted any fatal injury. The allegations against him are that he was present at the place of the incident with other co-accused. Prima facie omnibus allegations have been made that the Applicant and other co-accused assaulted Shivaji with wooden dandas. The applicability of Section 149 IPC will have to be finally decided on merits.

5. Considering the role attributed to Applicant No.2 Dharmaraj and also considering the fact that he has no criminal antecedents, in my considered view, he is entitled for bail. Hence, the application is allowed on following terms and conditions :-

- (i) Applicant No.2 Dharmaraj, who is facing trial in Sessions Case No.154 of 2020 with Dindori Police Station, Nashik Rural, is ordered to be released on bail on furnishing P.R. bonds in the sum of Rs.30,000/- with one or two sureties in the like amount ;
- (ii) The Applicant shall report to Dindori Police Station, Nashik Rural, once in two month on every 1st Monday between 11.00 a.m. to 02.00 p.m. until further orders;
- (iii) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6. Bail application stands disposed of in above terms.

(ANUJA PRABHUDESSAI, J.)