

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

CRIMINAL BAIL APPLICATION NO. 3382 OF 2021

1. Krishna Dhondiba Jadhav
 2. Sagar @ Sambhaji Shivaji Jadhav
 3. Sameer @ Samadhan Krishna Jadhav
 4. Shivaji Dhondiba Jadhav
- Applicants

v/s.

The State of Maharashtra
(Through Dahiwadi Pl.Stn.)

.... Respondent

Mr. Sanjeev Kadam a/w. Mr.Vishwajeet V.Mohite i/b. Mr.Siddharth R.Karpe for the Applicants.
Ms. Veera Shinde, APP for the State.
Mr.T.M.Hange, PC 340, Dahiwadi Police Station present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th NOVEMBER, 2022.

P. C. :-

1. This is an application under Section 439 of Cr.P.C. filed by the aforesaid applicants, who are facing trial in Sessions Case No.36 of 2021 pending on the file of learned Additional Sessions Judge, Vaduj, for offences punishable under Sections 143, 147, 148 and 302 of the Indian Penal Code.

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

3. Pursuant to the FIR lodged by Daya Jadhav before Dahiwadi Police Station CR No.70/2021 was registered against the applicant and others for offences punishable under Sections 143,147,148, 302 r/w. 149 of the Indian Penal Code. The case of the prosecution in brief is that on 17/3/2021 the applicants and the other co-accused formed an unlawful assembly armed with deadly weapons, with common object of committing murder of Chandrakant Jadhav. It is alleged that in furtherance of common object the applicants and others inflicted several injuries on Chandrakant and thereby caused his death. The Postmortem Report reveals that deceased had sustained deep incised wound over right side of throat, incised wound over right parital region of scalp, incised wound over right scapular region, incised wound over right infrascapular region, Three small incised wounds over lower back. The doctor has opined that the death was caused due to deep incise wounds over the throat.

4. The records prima facie reveal that the relations between the

applicants and the complainant were strained over the property dispute. It is alleged that on 17/3/2021 the applicants and others criminally trespassed into the house as the complainant armed with deadly weapons and that they assaulted Chandrakant and caused his death. The applicants are alleged to have assaulted the deceased by blows and kicks.

5. The records prima facie reveal that the deceased was himself armed with an Axe and the other witnesses were armed with sticks. The material on record further reveals that Deepak Vitthal Jadhav, one of the witnesses had assaulted the applicant Sameer @ Samadhan Jadhav. Thereafter, the other applicants came to the place of the incident and there was a fight in between both the groups. In the said fight, Chandrakant as well as Vilas Dhondiba Jadhav, brothers of the applicant Krishna Dhondiba Jadhav sustained fatal injuries. The records prima facie indicate that the prosecution witnesses were the aggressors and Cr.No.75/2021 has been registered against them.

6. The nature of accusations against the applicants, and the material in support thereof does not justify further detention. It is stated that the charge is not yet framed, and the trial is yet to

commence. There is no possibility of the trial being concluded in immediate future. Under the circumstances, the application is allowed on the following terms and conditions:-

- i) The Applicants Nos.1 Krishna Dhondiba Jadhav, No.2 Sagar @ Sambhaji Shivaji Jadhav, No.3 Sameer @ Samadhan Krishna Jadhav, and No.4 Shivaji Dhondiba Jadhav, who are facing trial in Sessions Case No.36 of 2021 pending on the file of learned Additional Sessions Judge, Vaduj, be released on bail on their executing PR bond of Rs.25,000/- each with one or two sureties in the like amount.
- ii) The applicants shall report to concerned investigating officer on first Monday of every Month till framing of the charge.
- iii) The Applicants 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 Applicants shall keep the Trial Court informed of their

current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

- v) The Applicants shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

- 5. The Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)