

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (BA) NO.1360 OF 2021**

Sunil Pandurang Mandhare

Vs.

State of Maharashtra Through Police Station Officer, Police Station Nagbhid,  
Dist. Chandrapur

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. S. Kadam, Advocate h/f Mr. R. R. Vyas, Advocate for applicant.  
Mr. A. R. Chutke, APP for non-applicant/State.

**CORAM : AVINASH G. GHAROTE, J.**  
**DATE : 15/02/2022**

Heard Mr. Kadam, learned counsel holding  
for Mr. Vyas, learned counsel for the applicant and Mr.  
Chutke, learned APP for the non-applicant/State.

2. The applicant is arrayed for the offence punishable under Sections 302, 450, 324, 323, 143, 147, 148, 149, 504, 506, 186, 188 and 269 of the Indian Penal Code and Section 135 of Maharashtra Police Act and Section 51(b) of Disaster Management Act, 2005 and was arrested on 19.06.2020 and charge-sheet is filed on 03.08.2020.

3. Mr. Kadam, learned counsel for the applicant submits, that the FIR would indicate that no specific role had been attributed to the applicant and though a stick has been recovered from the applicant, the dimensions of the stick are different. That apart, he submits, that the

statements of the eyewitness indicate no assault by the applicant. He further submits, that some of the accused namely, Sukhdeo Shivarkar, Anil Mandhare, Prakash Madankar and Vijay Mandhare have already been released by this Court on bail and role of the applicant, is no different than that of those persons, considering which, on the ground of parity also the applicant is entitled to bail.

4. Mr. Chutke, learned APP for the non-applicant/State opposes the application and contends, that the stick has been recovered at the instance of the applicant and though none of the witnesses attributed specific role to the applicant in the matter of assault, however, his presence on the spot with a stick is being spoken of by everyone. He therefore, submits, that the application be rejected.

5. The facts of the case are that on 07.05.2020, the complainant namely, Akram Munir Kha Pathan had lodged a report that on 06.05.2020 at about 10.00 p.m., when the family was taking their meal, a commotion was heard outside their house and the persons outside their house were threatening to eliminate Maqbool, as he was threatening everyone in the area. As the complainant and his grandmother came outside the house, the persons named in the FIR and others were seen holding sticks, due to which, they went inside, however, those persons barged inside the house, caught hold of Maqbool, when he was running out of the house and took him towards

the square and mercilessly thrashed him, which resulted in his death. Though, stick has been recovered from the applicant, however, none of the eyewitnesses attributes any specific role to the applicant. Similarly situated persons named above have already been enlarged on bail and therefore, on this ground, I do not see any reason for further incarceration of the applicant, considering which, I pass the following order.

### **ORDER**

(i) The applicant be released on bail on his executing a PR. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties in the like amount.

(ii) The applicant shall not enter the vicinity of the area and shall not indulge in influencing the witnesses or tampering with the evidence. Though, the charge-sheet has been filed, the applicant shall attend the concerned Police Station twice in a month i.e. on every first and third Wednesday of the month between 10.00 a.m. to 2.00 p.m.

(iii) The applicant shall also attend the trial on each and every date and shall ensure that the trial is not protracted on his count.