

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

941 BAIL APPLICATION NO.307 OF 2023
WITH APPLN/801/2023 IN BA/307/2023

SHIVRAM DASHRATH DHAYGUDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Hande Avinash D.
APP for Respondent-State : Mr. S. P. Deshmukh.
Advocate for Complainant to assist APP : Mr. S. S.
Gangakhedkar.

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CORAM : S. G. MEHARE, J.
DATE : 24.02.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the complainant.

2. The applicant has a case that he had been a guest in the house of the co-accused, who is a nephew of the first informant. They had quarrel over the share in the property. On the day of the incident, he was trying to separate the quarrel. However, the false allegations have been levelled against him that he assaulted the injured on her right hand finger and on head. He never tried to flee away. But, only he being there, he has been arraigned as an accused. The weapon

has not been recovered at his instance. On the contrary, the complainant has produced the weapon allegedly used in the crime. The injuries suffered to the injured are simple in nature. He is in jail for about seven months. The charge sheet has been filed. There are no antecedents to his discredit.

3. Learned APP and learned counsel for the complainant have vehemently opposed the application. They would submit that the photographs placed on record reveal that the injuries suffered to the injured are *prima facie* grievous. The head injury was sutured. The applicant was with the co-accused who kill the injured. He is a contract killer. The serious offence has been committed. Hence, he may not be granted bail.

4. Learned counsel for the applicant would reply that the applicant and co-accused were doing a job at Pune. Hence, they were friends. The applicant had been to Nanded to visit *Gurudwara*. Therefore, he stayed with his friend/co-accused.

5. Perused the papers. The allegations have been levelled against the applicant that he assaulted the injured with sickle and caused the injury to his right hand finger and occipital region. However, the weapon has not been recovered from the applicant. The injury report shows that the injuries were

simple. The applicant was apprehended on the spot of the incident. Charge sheet has been filed. The prosecution has no evidence against him that he was a contract killer or has any antecedents to his discredit. Considering the facts and circumstances of the case in toto, the Court is of the view that his further detention would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SHIVRAM DASHRATH DHAYGUDE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.398 of 2022, registered by Police Station Nanded Rural, District Nanded, for the offences punishable under Sections 452, 307, 109 of the IPC and Section 4/27 of the Arms Act, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.

- (b) He shall attend the trial on each and every effective date.
- (iii) Criminal application No.801 of 2023 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

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vmk/-