

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

BAIL APPLICATION NO.671 OF 2023

SHUBHAM RAJENDRA DESHMUKH AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Advocate for Applicants : Mr. Yogesh B. Bolkar  
APP for Respondents/State : Mr. S. B. Narwade  
...

**CORAM : S. G. MEHARE, J.**

**DATE : 26-04-2023**

**PER COURT :-**

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondents/State.
2. The applicants are seeking bail in C.R.246 of 2022 registered with Deopur (W) Police Station, Taluka Dhule, District Dhule, for the offences punishable under Sections 279, 337, 338, 427, 302, 143, 147, 148, 149 of the Indian Penal Code and Sections 184, 134/177 of the Motor Vehicles Act.
3. The injured subsequently died due to road traffic accident. The record reveals that the police tried to record the statement of the deceased and his father, but they have stated to the police that they will give the statement subsequently. Thereafter, the story has been developed that present applicant assaulted the deceased and due to that injury, he died. One witness who was allegedly with the deceased also came forward and stated that he

was the eyewitness to the incident. In hospital, the story of road traffic accident was narrated. Whether the cause of death is due to injury, is also not clear. No doubt, there were crimes against the applicant but the Court has to consider the material of this crime.

4. After going through the papers filed with the chargesheet, there is apparent discrepancy in the case initiated on the statement of the deceased and One Bhushan @ Banti Ashok Patil, who had filed an application to assist the Public Prosecutor. (His application is dismissed by the Court.)

5. In the situation of the case, particularly the contradiction as regards the cause of the incident, benefit goes to the applicant. The investigation has been completed. Nothing has been recovered from him. The applicant deserves bail on certain conditions. Hence, the following order:-

- i) Bail application is allowed.
- ii) Applicants Nos. (1) Shubham s/o. Rajendra Deshmukh, (2) Sanjay @ Sanjya s/o. Bapu Mali and (3) Rajesh s/o. Bhanudas Jadhav, be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of the like amount, in aforesaid crime, on the conditions that,
  - (a) They shall not tamper with the prosecution witnesses.
  - (b) They shall attend the trial on each and every effective date.
  - (c) They shall not involve in any criminal activity.

**( S. G. MEHARE, J. )**