

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

**926 BAIL APPLICATION NO.1650 OF 2023**

ANIL RAGHUNATH SHINDE  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. A.L. Kanade  
APP for Respondent : Mr. K.S. Patil

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**CORAM : S. G. CHAPALGAONKAR, J.**  
**Dated : October 13, 2023**

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**PER COURT :-**

1. The applicant seeks regular bail in connection with Crime No.656 of 2023 registered with Tofkhana police station, Ahmednagar for the offences punishable under sections 302, 201 r/w 34 of the Indian Penal Code.

2. On the information given by Vandana Vijay Ghorpade investigation was set in motion. She alleges that on 27.4.2023 her brother-in-law Lakhan was sitting beside Juice vending cart of his wife. There was some dialogue between Munnabhai and Lakhan. In lighter mood Lakhan pretended to hit Munnabhai by stone, which escaped and fell behind. Suddenly accused persons arrived on the motorcycle. Accused Sunny Dake assaulted Lakhan with the stone on his head. Other two accused persons (including present applicant) gave him blows by kicks and fist. Due to such attack, Lakhan suffered bleeding injuries. He was shifted to hospital. At about 2.30 hours on 28.4.2023 doctors declared him dead. In

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pursuance of the aforesaid report, crime no.656 of 2023 came to be registered against in all three accused persons including the applicant. The applicant has been arrested on 29.4.2023. Since then he is behind bar. Prayer of the applicant for grant of bail has been rejected by the Sessions Court. Hence, the present application.

3. Learned A.P.P. strongly opposes the prayer for grant of bail. He would submit that the applicant had active participation in commission of the offence. The incident took place in day light and for trifle reasons deceased was attacked.

4. Perusal of the contents of the FIR clearly attributes main role against accused Sunny Dake, who hit a stone on the head of the deceased Lakhan. Allegations against the applicant are omnibus in nature. It only states that applicant also assaulted the deceased. Statement in FIR no where suggests that the applicant was holding any weapon in his hand. Considering the narration in the FIR it appears that the dispute crept up suddenly without any premeditation.

5. Apparently, no specific role is attributed against the applicant. The medical evidence show that victim died due to head injury. He is behind bar since 29.4.2023 further detention of the applicant would not be necessary. Hence, case is made out for grant of bail. Hence, the order.

### **ORDER**

- i. Bail Application is hereby allowed.

- ii. The applicant - ANIL RAGHUNATH SHINDE be released on bail in connection with Crime No.656 of 2023 registered with Tofkhana police station, Ahmednagar for the offences punishable under sections 302, 201 r/w 34 of the Indian Penal Code on his furnishing P.B.&S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-
- a] The applicant shall not tamper the prosecution evidence.
  - b] The applicant shall attend each and every effective date of hearing before the Sessions Court.
  - c] The applicant shall not indulge into similar offence.
- iii. Bail application is accordingly disposed off.

( S.G. CHAPALGAONKAR J. )

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