

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

41 BAIL APPLICATION NO.1787 OF 2023

PRAVIN BALASAHEB BHADRE  
VERSUS  
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Phatke Rajendra P  
APP for Respondents: Mrs. P.V. Diggikar.

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

**DATE : 23<sup>rd</sup> OCTOBER, 2023**

**ORDER :-**

1. The applicant seeks regular bail in connection with Crime No. 821 of 2023 registered with Newasa Police station, Dist. Ahmednagar for the offences punishable under Sections 302 r/w. 34 of IPC.

2. The investigation was set in motion on the basis of report of Shashikant Baburao Pawar. He alleges that on 3<sup>rd</sup> August, 2023, his nephew Samrat Pawar did not return home. When his search was taken, he was found lying besides a bridge near Swami Samarth temple. When they approached towards Samrat, he was not unable to wake up but he was in a position to talk. On inquiry with him, he told that the accused Manoj Bhadre and Pravin Bhadre have assaulted him by fists and kicks and then they thrashed him off the bridge. He suffered injuries because of such assault. It is further alleged that the victim was taken to Sakhar Kamgar Hospital at Shrirampur. Then he was referred for further treatment to Pune, where, he lost his life on 8<sup>th</sup> October, 2023. On the basis of the aforesaid information, Crime No. 821 of 2023 came to be registered for the offences punishable under Sections 302 r/w. 34 of IPC.

3. The applicant has been arrested on 9<sup>th</sup> August, 2023 and since then he is behind bars. The prayer of the applicant for grant of bail has been rejected by the trial court vide order dated 31.8.2023. Hence, the present application.

4. Mr. Phatke, learned counsel for the applicant would submit that the applicant is falsely implicated in the crime. Although the FIR names the applicant, there are no specific attributions. He would submit that the deceased was a habitual drunker. The injury suffered by him may be accidental. However, the applicants have been implicated at the instance of the persons, who are in inimical terms with the applicants. Mr. Phatke would, therefore, urge to release the applicant on bail.

5. Learned APP strongly opposes the prayer for grant of bail. She would point out that the applicant has been last seen together by witness Krishna Pawar alongwith co-accused. Similarly, the post mortem report confirms the cause of death as “*injury to cervical spine and spinal cord which is possible by falling from height*”. She would further submit that there is oral dying declaration by the deceased wherein he has clearly attributed role against the applicant. The investigation is in progress. Charge sheet is yet to be filed. Hence, she prays for rejection of the application.

6. Having considered the submissions advanced, and on perusal of the police papers, it can be gathered that the statement of the victim is video graphed. The transcript of such statement is made part of the investigation papers. A careful reading of the transcript would show that the victim states about thrashing from the bridge by a person named

Bhadre. In second part, he states that it was Manya which is referable to the co-accused. Although he was deeply inquired about the accomplice he could not tell the name. If this transcript is taken into account alongwith the so called dying declaration, prima facie, role of the applicant does not appear in actual incident. In that view of the matter, a case is made out for grant of bail. Hence, the order :-

O R D E R

- (i) The application is allowed.
- (ii) The applicant – Pravin Balasaheb Bhadre be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in crime No. 821 of 2023 registered with Newasa police station, Dist. Ahmednagar, on the following conditions :-
  - [b] The applicant shall not tamper with the prosecution evidence.
  - [c] The applicant shall attend the trial on each and every effective date.
  - [d] The applicant shall attend the police station once in a week i.e. on every Sunday between 10 a.m. to 2.00 p.m.
  - [e] The applicant shall indulge in similar offence.
  - [f] The application is disposed of .

**[S.G. CHAPALGAONKAR]**  
**JUDGE**

grt/-