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

BAIL APPLICATION NO.2122 OF 2023

**RAJU @ YOGESH DILIP SOLUNKE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. More P. P.
APP for Respondents: Mrs. P.J. Bharad.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 8 DECEMBER, 2023

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 129 of 2021 registered with Nilanga Police station, Dist. Latur for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 324, 323, 504, 506 of IPC and Section 135 of the Maharashtra Police Act.

2. The investigation was set in motion on the basis of information given by Akash Anil Solunke, who states that there was some dispute between the accused and his family members. On 17th May, 2021, he was proceeding alongwith his father and the maternal cousin Raju on motorcycle, they went to District Central Bank, Nilanga and withdrew some amount. In return journey, at about 3.00 p.m., they crossed village Sindkhed, where, they were intercepted by accused persons. All of them had arrived in 3 different vehicles, which include Mahindra Bolero Jeep, Innova Car, and Hyundai Creta car. The accused persons alighted from the vehicle. The present applicant alleged to have

alighted from innova car. It is alleged that accused persons were holding sticks in their hand and hurled abuses towards the father of the informant. Apprehending attack, the informant took his motorcycle towards Sindkheda Gunjarga road. The accused persons followed them and then attacked by means of stick and stones. It is further alleged that accused Siddheshwar Mane attempted to inflict injury of knife on stomach of the informant however, it landed on his right hand. Accused Vyankat Mane, Deepak Karan Solunke, Vikram Karan Solunke, Bibhishan Pawar, Shekhar Pawar, Rahul Pawar assaulted him by sticks. According to informant, because of the assault by accused and injuries suffered, his father lost life.

3. The investigation progressed on the basis of aforesaid information. Charge sheet has been filed. The applicant has been arrested on 2nd August, 2023. Since then, he is behind bars.

5. Mr. P.P. More, learned advocate for the applicant would submit that the applicant has been falsely implicated in aforesaid crime. As many as 19 accused persons are named in the FIR. The applicant is one of them. Omnibus allegations are levelled to implicate all accused persons. He would submit that although there are specific allegations against some of the accused persons, except including name of applicant in FIR, no specific role is attributed to him. He further submits that this Court has already granted bail to co-accused Sachin Salunke (in BA .No. 553 of 2023) and Accused Shivaji Mane (in BA No. 1995 of 2023). The role attributed against the applicant is similar to those accused persons who are already enlarged on bail. He would therefore submit that even by invoking the principles of parity, the applicant is entitled for grant of

bail.

6. Learned APP strongly opposes the prayer contending that this is a case of heinous murder. There is previous offence registered against the applicant. The applicant was absconding from date of offence and arrested only on 2.8.2023. He would therefore, submit that release of the applicant may bring recurrence of similar offence, so also, it is difficult to bring him before the trial court.

7. Having considered the submissions advanced, the contents of the FIR and charge sheet, it can be observed that applicant is enlisted as one of the accused alongwith 21 other accused persons, as shown in the charge sheet. The allegations against the applicant are omnibus. It is alleged that he participated in the commission of offence alongwith others. He assaulted deceased. There are no specific attributions. It is true that large number of accused persons are involved. It is difficult to segregate the role of each of the applicants. Therefore, provisions of Section 149 of IPC are invoked. However, in such a case, possibility of false implication also cannot be ruled out. Whether the applicant was member of unlawful assembly, whether he has participated in commission of offence with knowledge, are the questions to be decided during the course of trial. Taking into account the omnibus allegations against the applicant and the fact that the co-accused with similar allegations are already enlarged on bail, a case is made out for grant of bail, however, subject to certain conditions :-

O R D E R

- (i) The application is allowed ;
- (ii) The applicant – Raju @ Yogesh Dilip Solunke, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one surety in the like

amount in connection with Crime No. 129 of 2021 registered with Nilanga police station, Dist. Latur for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 324, 323, 504, 506 of IPC read with Section 135 of the Maharashtra Police Act conditions :-

- [a] The applicant shall not tamper with the evidence ;
- [b] The applicant shall attend each and every effective date of hearing before the trial court.
- [c] The applicant shall furnish details of his address and contact numbers with the investigating officer and update the same from time to time.
- [d] The application is disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-