



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 878 OF 2023

1. Sanket Sonaji Watharkar	
2. Vitthal Madhukar Dongare	..Applicants
VS.	
State of Maharashtra	..Respondent

Mr.Vishal Kolekar a/w Mr. Vivek Shid, Mr. Shubham Kadam, Kiran Jadhav, for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 15, 2023

P.C. :

- 1.** Heard learned counsel for the applicants and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 302 read with 34 of the Indian Penal Code, 1860 registered on 11/08/2022 vide C.R. No.324 of 2022 with Kavthemahankal Police Station, Sangli. The applicants were arrested on 11/08/2022.
- 3.** The informant in his statement dated 19/08/2022 stated that on 10/08/2022 at around 6.30 p.m., he heard some loud noises. He

then saw that 4 unknown persons between age group 24 to 25 years were assaulting one Sadashiv Jagannath Chougule. The assailants then fled on two motorcycles. One motorcycle was left behind as it did not start. The assailants fled on one motorcycle. The victim was lying in a pool of blood. There was one koyta lying on the spot.

4. In the supplementary statement dated 16/08/2022, the informant says that he was called to the police station when he was shown the 4 assailants who had assaulted the deceased. On seeing them, the informant realised that these are the 4 assailants who had assaulted the victim.

5. The statement of the informant was recorded under section 164 of the Code of Criminal Procedure ('CrPC', for short)

6. Learned APP submitted that at this stage with a view to help the assailants, the informant has changed his version as can be seen from section 164 statement of the informant which was recorded on 20/08/2022. The informant says that he saw 4 persons fleeing on a motorcycle whereafter he saw that the victim was lying in injured condition in a pool of blood. There is no recovery from the applicants. In fact it is the submission of the learned counsel for the applicants that the applicant no.1 is a close relative of the accused.

Considering the nature of the materials and the fact that the applicants are in custody since the date of the arrest i.e. 11/08/2022, the applicants can be enlarged on bail. There are no criminal antecedents reported against the present applicants. The Post Mortem notes show that the wounds are incised in nature and there are cuts on the body. One koyta was recovered from the spot and the other koyta was recovered from the co-accused. It is not the accusation that the applicants were armed with koyta, that role is attributed to the co-accused. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicants. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicants- Sanket Sonaji Watharkar and Vitthal Madhukar Dongare in connection with C.R. No. 324 of 2022 registered with Kavthemahankal Police Station, Sangli shall be released on bail on their furnishing PR. Bond of Rs.25,000/- each with one or more sureties in the like amount.
- (c) The applicants shall attend the investigating officer of the concerned police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants shall not tamper with evidence.

(f) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the investigating officer and shall keep him updated, in case there is any change.

7. The application is disposed of.

(M. S. KARNIK, J.)