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

CRIMINAL BAIL APPLICATION NO. 2985 OF 2022

Akshay Satish Jadhav

Age : 24 Years, Occupation : Labourer,

R/o. : Vikasnagar, Dahiwadi,

Taluka : Man, District : Satara.

... Applicant

Versus

The State of Maharashtra

Through : Dahiwadi Police Station,

Vide C.R. No. 75 of 2021.

... Respondent

Mr.Kuldeep U. Nikam, Advocate for the Applicant.

Mr.Y.Y.Dabke – APP for the Respondent-State.

Ms.Neelam Santosh Raskar – Dahiwadi Police Station - Satara.

CORAM : S. M. MODAK, J.

DATED : 22nd FEBRUARY, 2023

P. C. :-

1. Heard learned Advocate Shri.Kuldeep Nikam for the Applicant and learned APP Shri.Dabke for the Respondent-State.

2. The present Applicant is Accused No.5 as per the charge-sheet. He along with others were prosecuted for committing murder of one Vilas Dhondiba Jadhav and causing injuries to one Krushna Dhondiba Jadhav and one Vishal Vilas Jadhav and Vishwas Vilas Jadhav. The said Vishwas and Vishal are the sons of the deceased Vilas. The incident took place on 17th March, 2021 in front of the house of the Accused Chandrakant Nathaji Jadhav at about 10.45 a.m. He also died due to the injuries received in that incident, for which, separate offence is registered with the same Dahiwadi Police Station against the witnesses in present offence.

3. When the deceased Vilas along with others went towards the house of Chandrakant, Chandrakant and his associates entered his house. The witness including the deceased Vilas entered the house and they were possessing certain weapons. There was an assault on each other by the members of the each party. During that incident, the said Chandrakant as well as Vilas expired. During the scuffle, these Vishal and Vishwas were also injured.

4. There is a background of this incident. The labourers of the first informant Satyawar Dhondiba Jadhav went for loading of the onion belonging to one Haridas Dasharat Katkar. In order to supervise the work, the first informant also went towards the field of said Katkar. During the travel, the deceased Chandrakant and his associates beat him and threatened him. The first informant Satyawar informed about this incident to his brother Shivaji and others on telephone. As a result, the deceased Vilas accompanied by others have gone towards the house of deceased Chandrakant and thereafter, the main incident took place.

5. In the FIR, there is no reference of this Applicant. According to the learned Advocate Shri.Nikam, in fact, the Prosecution witnesses were the aggressors and it can be fortified by the fact that the incident took place in front of and in the house of the deceased Chandrakant Jadhav. The present Applicant as such, was not directly related to the deceased Chandrakant but he was standing outside the house and after seeing the assailants going towards the house of said Chandrakant, said Chandrakant and others including present Applicant entered in the house of Chandrakant. The incident took place inside the house.

6. With their assistance, I have read the statements of two injured persons. Also perused their medical certificates. Injured Vishal Vilas Jadhav in his first statement has stated about running away by the

assailants including one Akshay (who seems to be the present Applicant). It was after the assault on Chandrakant Nathaji Jadhav. Whereas, his additional statement was also recorded after three months on 7th June, 2021, wherein he has clarified as to how, he and his brother Vishwas sustained injuries.

7. I have also perused the statement of Vishwas. The injured Vishwas was caught hold by the present Applicant and Co-accused Deepak pierced knife in his stomach. So also, present Applicant beat Vishwas with fist and blows along with other associates.

8. Learned APP invited my attention to the medical certificates. It is true that witness Vishal has received incised wound on lower back which is of grievous in nature. Whereas, the witness Vishwas received stab injuries.

9. The Co-accused Krushna Prakash Tupe is granted bail by this Court in Criminal Bail Application No.431 of 2022 vide order dated 21st October, 2022. Even though it is true that this Accused has caught hold the witness Vishwas, there is no allegation that he has used the weapon. It is not the allegation of the Prosecution that this Applicant went anywhere along with the weapons with preparation. So, I am inclined to grant him bail.

10. Investigation is already completed and charge-sheet is filed. One cannot say when the trial will commence. Hence, order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Akshay Satish Jadhav be released on bail in connection with C.R. No. 75 of 2021 registered with Dahiwadi Police Station – Satara on furnishing personal bond and surety bond of Rs.25,000/-.

- (iii) Applicant to give attendance to Dahiwadi Police Station on first Saturday in a month from 11.00 a.m. to 01.00 p.m. for three months.
- (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (v) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after hearing.

11. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

12. Application is disposed of in the aforesaid terms.

13. All the parties to act on an authenticated copy of this order.

(S. M. MODAK, J.)