

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO. 3932 OF 2022**

Yogesh Raisingh Jadhav ....Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Vaibhav R. Gaikwad along with Mr. Atharva R. Bhingardev,  
Advocate for the Applicant.

Ms. Pallavi N. Dabholkar, APP for Respondent-State.

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 31st AUGUST, 2023.**

**P.C. :**

1. By this application, applicant is seeking bail in C.R.No.61 of 2015 registered with Pusegaon Police Station for the offences punishable under Sections 302, 307, 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code (for short "IPC").

2. It is the case of prosecution that on 15th August 2015 at about 1.30 p.m., at village Karanjodha Budh, applicant and other co-accused formed unlawful assembly and hit deceased and witnesses with swords and other weapons. Two persons died, due to injuries in this assault, while four others were seriously injured. On complaint,

**SHUBHADA  
SHANKAR  
KADAM**

Digitally signed by  
SHUBHADA  
SHANKAR KADAM  
Date: 2023.09.05  
12:15:37 +0530

F.I.R. was lodged against applicant and other co-accused.

3. It is contention of learned counsel for applicant that applicant is nowhere connected with the said crime as alleged by the prosecution. There is no substantial evidence against the applicant. There is land dispute between accused and complainant, hence, applicant has been falsely implicated in this case. Learned counsel further submitted that in the statement of witnesses, the role of the applicant in the said incident is not specified. Applicant is behind bar for more than 8 years, yet trial has not been concluded. Hence, requested to allow the application.

4. It is contention of learned APP that applicant was present when deceased was assaulted by co-accused.. He was the member of unlawful assembly. As per Section 149 of the IPC, the person who was present in unlawful assembly is equally responsible for the act committed by other members. The witnesses have specifically stated about presence of the applicant at the time of incident. Hence requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

6. In the FIR, name of the applicant is mentioned. It shows

that complainant knew applicant, he has specifically stated about assault on Sandip Jadhav, Shamrao Jadhav and Dilip Jadhav by each co-accused, but he has not stated about role played by applicant. In supplementary statement dated 25th August 2015, he has stated that applicant was holding stump. The said supplementary statement is made after ten days of the F.I.R.. There is no recovery at the instance of applicant.

7. Considering the fact that no specific role is attributed to the applicant in FIR, there is no recovery of any weapon at the instance of the applicant, supplementary statement is recorded after ten days of F.I.R. and applicant is behind bar for more than eight years. In view of above, I pass following order :

- (i) Applicant be enlarged on bail in C.R.No. 61 of 2015 registered with Pusegaon Police Station on executing P.R.Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and

mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not enter the Karanjodha area, where the complainant is residing, except for the purpose of attending the police station.

(v) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)