

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

BAIL APPLICATION NO.942/2022

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DINESH
RANE

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Date: 2023.02.01
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AJAY ASHOK GAIKWAD & ORS.

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Vaibhav Kadam a/w. Adv. Aditya Thorat, Adv. Sameer
Parkar, Adv. Yash Fadtare for the applicant.
Mr. S. V. Gavand, APP for State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 1, 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 Section 302 read with 34 of the Indian
Penal Code (hereafter 'IPC' for short), registered vide First
Information Report (FIR) No.I-141/2021 with Kinhavali Police
Station, Thane Rural.

3. The FIR is registered on June 28, 2021. The name of
the deceased is Dinesh. It is alleged that these three
applicants killed Dinesh. The prosecution story is that
Dinesh visited the witness Vaidehi for handing over a jar.

This was around 11.30 p.m. on June 27, 2021. The applicants, who are residing nearby, were annoyed that Dinesh visited Vaidehi's house at such a late hours. To teach him a lesson, one of the applicants assaulted Dinesh on his back and other applicants assaulted him with fist and kick blows. The material on record reveals that thereafter, one of the witness saw deceased Dinesh sitting on his scooty and was chatting on his mobile phone. At 1.30 a.m. the witness spoke to him and asked him what he is doing at that hour. There are whatsapp chat between Dinesh and his friend showing that Dinesh was upset because he was beaten by the applicants for no fault of his.

4. From the post-mortem notes, the medical evidence and from the nature of the injuries, it is revealed that there are contusions which are not on vital part of the body which can be attributed to the applicants. The cause of death is shown to be electrocution. The dead body of Dinesh was found near D.P. of the electricity pole. The post-mortem notes also reflects that the deceased Dinesh suffered electrocution. The materials on record revealed that pursuant to the alleged assault by the applicants, Dinesh

went on his scooty and was seen chatting on his mobile phone.

5. The applicants are in custody since the date of their arrest, that is, from June 30, 2021. *Prima facie*, it seems that Dinesh died due to electrocution. Having regard to the nature of the accusations and the fact that there are no criminal antecedents reported against the applicants, the applicants can be released on bail. The investigation is complete. The charge-sheet has been filed. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicants-Ajay Ashok Gaikwad, Prakash Jayram Gaikwad and Nikhil Dashrath Gaikwad in connection with FIR No.I-141/2021 with Kinhavali Police Station, Thane Rural, shall be released on bail on their furnishing P.R. Bonds of Rs.25,000/- each with one or more sureties in the like amount.
- (c) The applicants are permitted to furnish provisional cash bail security in the sum of Rs.25,000/- each, for a period of eight weeks, in lieu of sureties.

(d) The applicants shall report to the Investigating Officer of the concerned police station once in two months on every first Monday 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.

6. The application is disposed of.

(M. S. KARNIK, J.)