

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

CRIMINAL BAIL APPLICATION NO. 1373 of 2021

Sagar Ramesh Dhanavate ...Applicant
Versus
The State of Maharashtra ...Respondent

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Shri. Vikram Sutaria, Advocate for the Applicant.
Mr. N.B. Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
RESERVED ON : 18th OCTOBER, 2022.
PRONOUNCED ON : 3rd JANUARY, 2023.

PER COURT :

1. The applicant is seeking bail in C.R. No.101 of 2020 registered with Nigadi Police Station for offence under Sections 302, 323, 504, 143, 147, 149 r/w 34 of Indian Penal Code (for short 'IPC'). The First Information Report (for short 'FIR') was registered on 17th March, 2020. The applicant was arrested on 18th March, 2020.

2. The first informant Rajendra Dattatray Jadhav is the father of the deceased Avinash Jadhav. On 17th March, 2020, the first informant received information that Avinash Jadhav is assaulted by some persons with iron rod and lying in injured condition near Post Office. The complainant proceeded to the spot. Avinash Jadhav was in pool of blood. He had suffered injuries. Aniket Ingole was present near the spot. Avinash was taken to the hospital. He was declared dead. The complainant made inquiry with Aniket Ingole

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about the incident and he informed that Ashish Jagtap, Prabhubdh Ghodke and Sagar Dhanavate had picked up quarrel with Avinash while drinking liquor and assaulted him. Prabhubdh Ghodke have assaulted Avinash with iron rod on his back and Sagar gave a blow of iron rod with a hook on head of Avinash. Statements of witnesses were recorded. Supplementary statement of complainant was recorded on 20th March, 2020. Statement of Aniket Ingole was recorded on 21st March, 2020.

3. Learned Advocate for the applicant submitted that Ashish Jagtap was granted bail by Sessions Court, Pune vide order dated 18th August, 2020. The applicant is aged around 18 years. There are no criminal antecedents against him. The incident had occurred at spur of moment. There was no motive for the applicant to kill the deceased. The statement of Aniket Ingole was recorded on 21st March, 2020. The applicant is in custody since two and half years.

4. Learned APP submitted that the applicant had assaulted the deceased with iron rod with hook. The deceased had suffered serious injury on head.

5. From the statement of complainant it appears that Aniket Ingole was present at the spot of incident. He is eye witness to the incident. It is not clear as to why his statement was recorded on 21st March, 2022. From the statement of Aniket Ingole it appears

that deceased and the accused were continuously drinking liquor. On minor issues there was quarrel between them. The statement does not indicate that the applicant at any reason to assault the deceased. The statement is silent about provocation for the applicant to assault the deceased. It is not clear as to from where the accused had brought weapons. There was no motive for the applicant to assault the deceased. All of them were under the influence of liquor. The incident had occurred at spur of moment. All of them were friends. The applicant is in jail since last two and half years. Considering the factual aspects, further detention of applicant is not necessary.

ORDER

- i. Criminal Bail Application No.1373 of 2021 is allowed;
- ii. The applicant is directed to be released on bail in connection with C.R. No.101 of 2020 registered with Nigdi Police Station on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to cash bail in the sum of Rs.25,000/- for a period of six weeks.
- iv. The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m.

to 1:00 p.m. for a period of six months and thereafter, once in a three months on first Saturday between 11:00 a.m. to 1:00 p.m. till further orders.

v. Application stands disposed off accordingly.

[PRAKASH D. NAIK, J.]