

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2499 OF 2022**

WITH

INTERIM APPLICATION NO. 3684 OF 2022

Sangram Ramdas Mengal

...Applicant

Versus

The State of Maharashtra

...Respondent

AND

BAIL APPLICATION NO. 2500 OF 2022

WITH

INTERIM APPLICATION NO. 3683 OF 2022

Rahul Mithu Hinge

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Aniket Nikam a/w Mr. Tushar Sonawane a/w Ms. Pooja Satpute for the Applicants.

Mr. Amit Palkar, APP for the State.

Mr. Narayan Rokade for the Interveners.

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CORAM : N.R. BORKAR, J.

DATED : 14 FEBRUARY 2023

P.C. :-

1. The applicants who came to be arrested in Crime No. 145 of 2022 registered at Yeola Taluka Police Station, Nashik Rural for the offences punishable under Sections 143, 147, 149, 307, 302, 323 & 504 of the Indian Penal Code, have filed the present applications under Section 439 of Code of Criminal Procedure, 1973, for bail.

2. I have heard the learned counsel for the applicants and the learned APP for the respondent-State and the learned counsel for the intervener.

3. According to the prosecution, the applicants and other co-accused

took the forcible possession of agricultural land wherein the deceased was lessee and thus, there was dispute between them. It is alleged that on the date of incident which took place on 1 May 2022, the applicants and other co-accused started ploughing the said land and even the land owned by the deceased. It is alleged that, when the deceased was trying to convince the applicants and other co-accused not to plough land owned by him at that time, it is alleged that present applicants had poured diesel on the person of the deceased and set him on fire.

4. The case is based on dying declaration of the deceased. However, it appears from the statement of the witness- Sandip Ambadas Bhuse that at the time of alleged incident the applicant in Bail Application No. 2499 of 2022 was not there at the place of incident. Apart from it there is no endorsement of treating doctor on the dying declaration that the deceased was in a position to give statement. Considering the overall facts and circumstances of the case, I am inclined to release the applicants on bail. Hence, the following order is passed:

- (i) Applications are allowed.
- (ii) The applicants shall be released on bail in Crime No. 145 of 2022 registered at Yeola Taluka Police Station, Nashik Rural for the offences punishable under Sections 143, 147, 149, 307, 302, 323 & 504 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
- (iii) Interim Applications for intervention are disposed of.

(N.R. BORKAR, J.)