



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 BAIL APPLICATION NO. 2346 OF 2023

1. Deepak S/o Prakash Doijad
2. Sandip S/o Deepak Madje

..APPLICANTS

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. Rathi Swapnil S.

APP for Respondent/State : Mrs.Pratibha J. Bharad

...
AND

BAIL APPLICATION NO. 2216 OF 2023

Shlok Rajesh Sharma

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. Gangakhedkar Shailendra S.

APP for Respondent/State : Mrs.Pratibha J. Bharad

...
WITH

**CRIMINAL APPLICATION NO. 83 OF 2024
IN BA/2216/2023**

SONALI SHRIKANT PATHAK

VERSUS

SHLOK RAJESH SHARMA AND ANOTHER

...
Advocate for Applicant : Mr. Natu Sharad V.

APP for Respondent/State : Mrs.Pratibha J. Bharad

...
**CORAM : SANJAY A. DESHMUKH, J.
DATED : 19th JANUARY, 2024.**

PER COURT :-

. For the reasons stated in Criminal Application No.83 of 2024, the same is allowed in terms of prayer clause "B".

2. The applicants in both the bail applications are seeking bail in connection with crime No.0237 of 2023 registered with Vazirabad Police Station, Nanded, Dist. Nanded, for the offences punishable under sections 143, 147, 148, 149, 307, 302, 324, 326, 504, 506 of the Indian Penal Code.

3. Informant averred in the report dated 25.06.2023 that the banner was displayed near to Swami Samarth Mandir near Somesh Colony, Akkalkot by one of the co-accused Sunil Sharma on which the name of husband of the informant Shrikant Pathak along with his photo was not displayed. That fact was questioned by her husband on the whatsapp group of all the trustees of Swami Samarth Mandir. Therefore, quarrel took place on 23.06.2023 at about 11.15 p.m. At about 11.30 p.m. co-accused Sunil Sharma came to Shrikant Pathak and abused him. Informant and Shrikant came out of the house, that time Sunil Sharma and Sandip Gaware beaten him. Shrikant Pathak also beaten him. The quarrel was pacified. That time 4-5 persons came there. One out of them took brick in his hand and assaulted on the head of Shrikant. Another boy stuck the head of Shrikant on the gate and made him to fell down on the step. He sustained injury to

his head. Other two boys assaulted by fiber logs on the leg and stomach. They also assaulted by fists and kicks blows on the ear of Shrikant. Blood was oozing from his head. Thereafter, Shrikant was taken to Yashosai hospital. The report was lodged thereafter which was registered on 25.06.2023. Injured Shrikant succumbed to the injuries on 30th June, 2023.

4. The learned advocates for both the applicants submitted that the applicants' names are not mentioned in the report. They were not involved in the crime. The supplementary statement of the informant was recorded on 8th July, 2023 in which the names of the applicants are appearing. The applicants are not captured in CCTV footage. The applicants have roots in the society. They lastly prayed to grant the bail.

5. Heard the learned APP for the State and the learned advocate assisting to the prosecution. They both pointed out the statement of the informant as well as CCTV footage in which prime accused Sunil Sharma and his servant Shaikh Raheman are captured. The P.M. report shows the head injury and column 17 shows 19 injuries. Considering the serious nature of the crime, it is lastly prayed to reject the applications.

6. The names of the applicants are not mentioned in the report. However, their names are revealed during the investigation, which appears from the statement of the witness. There is delay of

one day caused for lodging the report. Without adverting to the merits of the case, considering the nature of the crime, the fact that the applicants have no criminal antecedents, they will not flee away from the trial, and that the trial will take long period and alleged role of the applicants, the applications deserve to be allowed on some stringent conditions. Hence, the following order.

O R D E R

- I. Applications are hereby allowed.
- II. The applicants in both the applications, in connection with crime No.0237 of 2023 registered with Vazirabad Police Station, Nanded, Dist. Nanded, for the offences punishable under sections 143, 147, 148, 149, 307, 302, 324, 326, 504, 506 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.1,00,000/- each with one or two sureties of the like amount by each of them, on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - b) The applicants shall not enter into the entire Nanded city except the date/dates on which they have to attend the Court for hearing of the case.
- III. Any breach of the above conditions is noted by the Police Station, Vazirabad, Nanded then the applications can be moved to

the trial Court for cancellation of bail and the trial Court may consider it on its merits without reference to this Court.

(SANJAY A. DESHMUKH, J.)

sga