



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

985 BAIL APPLICATION NO. 126 OF 2024

DEEPAK RAOSAHEB CHANDANE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Anil M. Gaikwad.
APP for Respondent/State : Mr. Mukesh K. Goyanka.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 29th February, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.656 of 2023, registered with Tophkhana Police Station, District Ahmednagar, for the offences punishable under Sections 302 and 201 read with 34 of the Indian Penal Code.

3 The informant Vandana Vijay Ghorpade alleged that on 27th April, 2023, her brother-in-law Lakhan was sitting besides Juice vending cart with his wife. The quarrel took place between Munnabhai and Lakhan. That time Munnabhai threw in the lighter mode some water on the person of Lakhan and thereafter, Lakhan in the lighter mode tried to pelt stone on Munnabhai, which was escaped and fell

behind. However, the applicant and other suddenly arrived on the spot. That time, co-accused Sunny Dake assaulted Lakhan by stones on his head. Anil Shinde gave kick and fist blows to Lakhan. Lakhan suffered injuries to his head and he was admitted in hospital. But he died at about 02:30 hours on 28th April, 2023. Therefore, the report was lodged.

4 The learned counsel for applicant submitted that co-accused are released on bail. It is alleged that the applicant assaulted Lakhan by kick and fist blows. The applicant has no criminal antecedents. He, therefore, prayed for bail on the ground of parity.

5 The learned APP for the State strongly opposed the application, however, conceded that co-accused, who are having similar role, are released on bail. It is lastly prayed to reject the application.

6 Perused the charge-sheet and the order dated 13th October, 2023 passed by this Court in Bail Application No.1650 of 2023 (Anil Raghunath Shinde Vs. The State of Maharashtra). Considering the role of this applicant that he beaten Lakhan by kick and fist blows and the main accused Sunny Dake assaulted Lakhan by stone on his head, which resulted into his death, the application deserves to be allowed, as the applicant has roots in the society, he

will not flee away from the trial and the trial will take long period as well as the applicant has no criminal antecedents, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.656 of 2023, registered with Tophkhana Police Station, District Ahmednagar, for the offences punishable under Sections 302 and 201 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not indulge in similar activities again.

[SANJAY A. DESHMUKH, J.]