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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.148 OF 2024

Sagar Ramesh Sonawane

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Anudeep Dilip Sonar, Advocate for the applicant

Mr. S. B. Jadhav, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.2 of 2024 registered with Dhule City Police Station, Dhule for offence punishable under section 304, 143, 144, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code.

2. FIR is lodged by Deputy Superintendent of Police, LCB, Dhule alleging that AD No. 32 of 2023 was registered at Dhule City Police Station under section 174 of the Criminal Procedure Code and he has conducted investigation in the same. He visited the spot of incident and it was revealed that on 6th June, 2023 at 5.30 p.m. Sachin Shinde, Manoj Sonawane and Sagar Sonawane assaulted the deceased - Dnyaneshwar. Manoj Sonawane assaulted him on head, Ranjanabai Shinde and Kamini Hake

assaulted him with stick on his back and head. Sagar Sonawane and Sachin Shinde assaulted Dyaneshwar on private part, chest and stomach with kick blows.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. The incident of assault is dated 6th June, 2023. Dnyaneshwar has expired on 16th June, 2023. His postmortem report shows the cause of death is "*Acute Myocardial Infraction with Chronic pyelonephritis pyelor with umbilical hernia*".

5. From the investigation papers it appears that applicant is distantly related with accused persons and he has not played any major role in the alleged incident of assault. Allegations of assault attributed to applicant are not supported by medical evidence. Applicant was granted interim protection and he has co-operated in the investigation. His shoes are recovered. The delay in lodging the FIR is unexplained Therefore, pre-trial custodial detention of applicant, in the peculiar facts of the case, is not necessary. In the result, application is allowed by confirming the interim protection granted on 30th January, 2024.

[NITIN B. SURYAWANSHI]
JUDGE