



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 962 OF 2024

SHARAD KUNDALIK DHOKANE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondent : Mr. S. D. Ghayal
...

CORAM : S. G. MEHARE, J.

DATE : 16-07-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondents.
2. The applicant seeks bail in C.R.No.1028 of 2023 registered with Newasa Police Station, District Ahmednagar, for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 120B of the Indian Penal Code and Section 4/25 of the Arms Act.
3. It has been alleged against the applicant that he was with the co-accused who killed the deceased. However, the first informant did not state the name of the applicant in the first information report. He has been arraigned as an accused on the basis of photograph taken in the morning of the day of the incident with the co-accused.

4. Learned counsel for the applicant submits that the police has promised him that if he would produce the Scorpio car which was allegedly used in the crime, he would get anticipatory bail. Therefore, for safer side, he produced Scorpio car which was allegedly used in the crime. However, the police arraigned him as an accused. Except this, there is no evidence against the applicant. The eyewitnesses were knowing the applicant, but they did not tell his name. The applicant had suffered fracture injury and some iron rods were installed in his hand. Therefore, it was not possible for him to assault anybody. The prosecution has no strong evidence to involve him in the crime. Therefore, he may be granted bail.

5. Learned A.P.P. for the respondent submits that the offence is serious. The vehicle of the applicant has been used for committing the crime. The bare mistake of the eyewitnesses in not disclosing the name of the applicant in the first information report is not fatal to the prosecution case. His vehicle was used for committing the crime. He was well acquainted with the co-accused. He was in the company of the co-accused in the morning. Around 28 injuries were caused to the deceased. Considering the past enmity and the gravity of the offence, the applicant does not deserve bail.

6. Perused the chargesheet.

7. It appears that the police recovered Scorpio car from the applicant under the promise that he would get anticipatory bail. That apart, the prosecution has no evidence except the recovery of Scorpio car which was allegedly used in the crime. The other evidence is also not incriminating against him. Considering the material collected against him, he deserves bail. Hence, the order :-

ORDER

- i) Bail application is allowed.
- ii) Applicant Sharad Kundalik Dhokane be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on each and every effective date.
 - (c) He shall not facilitate the co-accused by remaining absent in the trial on the ground of delay in the trial.

**(S. G. MEHARE)
JUDGE**

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