



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

BAIL APPLICATION NO. 1381 OF 2024

SUNNY @ FAUJI BALKISAN JADHAV
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. A. M. Reddy along with
Mr. B. S. Deshmukh
APP for Respondent : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.

DATE : 07-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.383 of 2023 registered with M.I.D.C. Police Station, Jalgaon, Taluka and District Jalgaon, for the offences punishable under Sections 302, 120B read with Section 34 of the Indian Penal Code.
3. The prosecution has a case that all the accused had beaten the deceased mercilessly. One prime witness had narrated whole story in detail. As regards the role of the applicant, he stated that present applicant was trying to rescue the deceased and stopped the quarrel by restraining other co-accused from beating him. He even administered water to the deceased when the deceased was asking for water. The Doctor had reserved the opinion as to the cause of death.

4. The learned A.P.P. opposed the application. He states that the C.A. report has been received. There was no poisonous substance found in the organs of the applicant. Therefore, the Doctor opined that his death was caused due to the assault by the alleged weapon. He also argued that the video of the incident was recorded in which the applicant was not seen using the deadly weapon. There are eight crimes to his discredit. Hence, he does not deserve bail.

5. The facts mentioned above reveal that the role attributed to the applicant was not aggressive. However, he was trying to save the deceased from assault by the other co-accused. In such circumstances, the crimes to his discredit would not come in his way. His role in this case is to be examined. He does not seem aggressive. The investigation has been completed. Nothing is to be recovered from him. He deserve bail. Hence, the order:-

ORDER

- i) The bail application is allowed.
- ii) Applicant – Sunny @ Fauji Balkisan Jadhav 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 should not tamper with the prosecution witnesses.
 - (b) He should attend the trial on each date.

(S. G. MEHARE, J.)