



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

BAIL APPLICATION NO. 1558 OF 2024

MADHUKAR @ SHEKHAR SITARAM GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Santosh N. Patne
APP for Respondent : Mr. A. S. Shinde
...

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.136 of 2024 registered with Naldurg Police Station, Taluka Tuljapur, District Osmanabad, for the offences punishable under Section 307, 323, 504 read with Section 34 of the Indian Penal Code.
3. It is case of the prosecution that the deceased had illicit relations with a widow. However, the son of the widow, who is co-accused in this case, was alleging against the deceased that he was creating hurdles in his marriage. Therefore, on the day of the incident, all accused went to the place where the deceased was sleeping. His maternal uncle was also sleeping beside the deceased on another platform. He saw all accused came there.

The son of the widow expressed his displeasure against the deceased for creating hurdles in his marriage. Two of these three accused assaulted the deceased with stone. The applicant abused him and assaulted him with fist and kick blows. The maternal uncle of the first informant and other persons of the village had seen the incident. When the complainant went on the spot, all accused fled away from the spot. The informant followed that the deceased was sleeping. On the next day, the serious injuries caused to the deceased. Thereafter, the deceased was taken to the hospital. The injured was treated for a few days and then he died. So far as the role attributed to the applicant is concerned, he had barely assaulted the deceased with fists and kick blows and abused him. There is nothing against him. There is no allegation of using deadly weapon to cause injuries to the deceased.

4. The learned A.P.P. submits that though he had not used weapon, he had common intention to kill the deceased. All accused came together with an intention to kill the deceased and they killed the deceased.

5. The Court is of the view that there is no material to show that the applicant has facilitated the co-accused to kill the deceased. The cause of death is due to profused bleeding. Considering the role attributed to the applicant, though the offence is serious, the Court is of the opinion that it would be

inappropriate to keep the applicant behind bar for uncertain period. Hence, the order:-

ORDER

- i) The bail application is allowed.
- ii) Applicant - Madhukar @ Shekhar Sitaram Gaikwad 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 not involve in such identical crime.
 - (c) He should attend the trial on each date.

(S. G. MEHARE)
JUDGE

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