



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

962 BAIL APPLICATION NO. 1627 OF 2024
WITH
CRIMINAL APPLICATION NO. 3896 OF 2024
IN BA/1627/2024

JAYESH @ GOLU SURESH DHAPTE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gandhi Amol Subhash.
APP for Respondent-State : Mr. G. O. Wattamwar.
Advocate for Informant to assist APP : Mr. Ghanekar N. S.

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CORAM : S. G. MEHARE, J.
DATE : 10.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the informant.
2. The applicant seeks bail in Crime No.107 of 2024, registered with Dhule Police Station, District Dhule, for the offences punishable under Sections 302, 143, 147, 148, 149, 323, 504, 506 of the IPC and Sections 37(1), 37(3) and 135 of the Bombay Police Act.
3. The prosecution has a case in brief that the deceased was beaten for indulging one of the accused Harshal in the case of

road robbery. That incident was of 2018. Thereafter, on 03.03.2024, the applicant with other co-accused were seen assaulting the deceased with deadly weapons near Mahadeo Temple. The specific allegations against the applicant were that he assaulted the deceased with wooden log. The deceased died of the injuries sustained to him.

4. Learned counsel for the applicant would submit that the applicant did not play role as alleged. He has been arraigned as an accused only because he was in the company of other co-accused. He has no antecedents to his discredit. No weapons as such was recovered from him. The medical opinion as to the cause of death is still not obtained. The investigation has been completed. He is from a good family. Therefore, he may be granted bail.

5. Learned APP and learned counsel for the informant have vehemently argued that all the witnesses are consistent as regards to the role attributed to the applicant. However, alleged wooden log has not been seized. The offence is serious. The applicant was all the time with the other co-accused, who was suspected for indulging him in the crime under Section 395 of the IPC in 2018. The nature of the injuries mentioned in P. M. report are sufficient to believe that the deceased died

of the injuries. There were corresponding internal injuries to the head of the deceased. The group of persons mercilessly beat the deceased and killed him. The applicant is always in the company of the harden criminals. The offence is grave. Hence, he may not be granted bail.

6. Perused the papers. Crime registered against one co-accused Harshal for the offence punishable under Section 395 of the IPC. The first informant with his friend was going home back after the night cricket tournament. He heard the sound of one of the person saying that “kill Amol”. Hence, he along with his friend went to that place and witnessed the incident. However, the alleged weapon i.e. wooden log has not been seized from the applicant. The clothes seized from the applicant were not blood stained. Considering the incident, not recovery of deadly weapon at the hands of the applicant, no circumstantial evidence and no antecedents to his discredit, he may be granted bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **JAYESH @ GOLU SURESH DHAPTE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with

one solvent surety of like amount, on the following conditions :

- (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should not contact the other co-accused till the trial is concluded.
 - (c) He should stay away from the locality where he resides for one month from the date of his release.
- (iii) Criminal application No.3896 of 2024 stands disposed of.

(S. G. MEHARE, J.)

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vmk/-