



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2151 OF 2023

Ranjit Aadinath Dhaytadak

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. D.K. Dagadkhair, Advocate for Applicant.

Mr. N.B. Patil, APP for Respondents-State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 8th JANUARY, 2024

ORDER :

1. Applicant is accused in Crime No. 509 of 2023, registered with Pathardi Police Station, District- Ahmednagar, for offences punishable under section 302, 324, 323, 143, 147, 148, 149, 504, 506 of Indian Penal Code.

2. First Information Report is lodged by Rajendra Kirtane alleging that incident occurred on 22.05.2023 at 1.00 pm. At that time, Shahadev, Shubham and Sandip came to spot along with other unknown persons carrying wooden sticks and knife in their hand. Sandip and Shubham assaulted wife of informant on head, due to which she suffered serious injury. Dhanaji Kirtane, informant's uncle was assaulted by accused

Bhagyawant Punde

Shahadev by means of wooden stick. Due to assault, informant's wife expired.

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

4. Admittedly, Charge sheet is filed in the present matter. It appears that allegations of commission of murder are attributed to Sandip and Shubham. Against the present applicant, allegation is that he along with Shahadev and Akshay assaulted Dhanraj with sticks.

5. This Court while allowing Anticipatory Bail Application No. 1521/2023 and Anticipatory Bail Application No. 1144/2023, respectively filed by Somnath and Aakash observed thus:

"5. Now charge sheet in the matter has been filed. Perusal of charge sheet does not show that applicants are having any dispute with the informant. Pre-existing dispute is alleged against the co-accused. Merely, because applicants accompanied co-accused, it cannot be held that they had been to the spot with common object in their mind. Even otherwise, FIR shows that the assailants came for causing assault on informant and his son. It seems that unfortunately wife of informant sustained injury in the said assault. Hence, as far as present applicants are concerned, prima facie it cannot be said that they shared common object with co-accused for killing the deceased.

6. *Having regard to these facts, prima facie offence punishable under section 302 of IPC does not get attracted to the applicants. Hence, the Anticipatory Bail Application No. 1521/2023 is allowed in terms of order dated 13.09.2023 and Anticipatory Bail Application No. 1144/2023 is allowed in terms of order dated 14.07.2023."*

6. Applicant is similarly circumstanced as Aakash and Somnath, hence on the ground of parity his application deserves to be allowed. In the result, application is allowed in terms of interim protection order dated 26.12.2023.

7. Applicant shall regularly attend the trial and shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]