



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

BAIL APPLICATION NO. 2153 OF 2024

Deepak Babarao Dakhore
Age: 20 years, Occu.: Labour,
R/o. Wai Lasina, Tq.Purna, Dist.ParbhaniApplicant

Versus

The State of Maharashtra
Through Police Inspector,
Purna Police Station,
Dist.Parbhani.Respondent

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Advocate for Applicant : Mr.Y.G.Birajdar h/f. Mr. S.S.Jangada
APP for Respondents: Ms.Vaishali S.Chaudhari

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CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 14 FEBRUARY, 2025
PRONOUNCED ON : 17 FEBRUARY, 2025**

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime no.0304 of 2023 registered with Purna Police Station, Dist.Parbhani for offence under Sections 302, 201, 120-B of the Indian Penal Code (IPC) and under Sections 3, 4, 25, 27 of the Indian Arms Act.

2. Learned counsel pointed out that applicant is arrested in above crime on 12-12-2023. That FIR is of 08-12-2023. That applicant's

name does not figure in the FIR. That in all seven persons are said to be involved. That allegation against present applicant was that he was in company of main accused, who was a juvenile and who has allegedly used sword. Learned counsel submitted that except applicant, all others are released. He pointed out to post mortem report and would submit that cause of death is due to "hemorrhagic shock due to injuries to head and face". That, there are no allegations of assault by present applicant on such parts of the body. He pointed out that even T.I. parade is not conducted in this case and mere there is reference of unknown person in the FIR and statements of witnesses. That, applicant is behind bars since more than one year and there are no immediate prospects of matter going for trial or its conclusion and as it amounts to long incarceration, learned counsel prays for relief of bail on any condition deem fit by this Court.

3. Learned APP strongly opposed on the ground that there is direct eye witness account of the occurrence. That, witness by name Shubham Pralhad Bhosale has given statement to that extent. That, crime has committed after hatching conspiracy. That, there is use of deadly weapon like Khanjar. That, deceased suffered various stab injuries. That, there is recovery of blood stained clothes of applicant

and therefore, considering involvement of present applicant in serious crime, she prays for rejection of application.

4. Heard. Perused the papers. FIR is by one Gopal Bhujangrao Kadam resulting into registration of crime at Purna Police Station. Substance of the FIR is that on 08-12-2023 at around 02:00 p.m. his cousin brother namely Akash Ganesh Kadam, was assaulted by one Deva @ Namdeo Umaji Pawar and one unknown person in the backdrop of previous dispute by means of sharp weapons. Statement is made across the bar that said Deva @ Namdeo Umaji Pawar was a juvenile and he has allegedly used sword and it is also recovered at his instance.

5. Learned APP pointed out to statement of one Bhagwat Chapake and one Shubham Pralhad Bhosale.

Witness Bhagwat claims that injured was chased and Deva took out sword and gave blows with the same on hands and head of injured. He has reported that unknown person accompanying Deva inflicted injuries by means of Khanjar in stomach and hands. Statement of this witness is recorded on the same day.

On visiting statement of Shubham Pralhad Bhosale, who

according to learned APP, also is an eye witness, he has alleged that while he was proceeding to pick up Vaibhav Buchale, at that time, he saw Deva and an unknown person as well as one Om Solav standing near road going to the bridge. He had seen Deva wearing muffler. He further claims that he made Vaibhav sit on his motorcycle and claims to have asked about the unknown person and claims to have learnt from him the name of unknown persons as Deepak Dakhore i.e. present applicant. However, chargesheet placed before this Court does not show statement of Om Solav from whom Shubham allegedly came to know about name of unknown person.

6. Learned APP conceded that T.I. parade has not been conducted in this case and chargesheet is already filed on 27-02-2024 itself. As pointed out cause of death of Akash is due to “hemorrhagic shock due to injuries to head and face”. Applicant is behind bars since more than one year and there is no exact calendar of trial by the trial Court and also taking above discussion into consideration, applicant deserves relief as prayed. Hence, the following order :

ORDER

- (i) Application is allowed.

(ii) Applicant Deepak Babarao Dakhore be released on bail in connection with Crime no.0304 of 2023 registered with Purna Police Station, Dist.Parbhani on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper prosecution evidence.

(iv) Applicant shall not leave jurisdiction of Purna Police Station, District Parbhani, till conclusion of the trial.

(v) Applicant shall report the concerned Police Station twice a week i.e. on every Monday and Friday

(ABHAY S. WAGHWASE)
JUDGE