



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 CRIMINAL APPEAL NO. 600 OF 2024

KISHOR DHONDUSING THAKUR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellant : Mr. Bhosle Santosh C.
APP for Respondent/s-State : Mrs. Ashlesha S. Deshmukh.
Advocate for Respondent No.3 : Mr. Narayan Chavan
(appointed).

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CORAM : SHAILESH P. BRAHME, J.

DATE : 16.04.2025

PER COURT :-

1. The appellant is challenging order dated 25.04.2024 rejecting prayer for enlarging him on bail. He is behind bar since 15.04.2022 in Crime No.233 of 2022, registered with Nanded Rural Police Station, Nanded for offence punishable under Section 302, 307 read with 34 of IPC and Section 3(2) (V) of Prevention of Atrocities Act. After completion of investigation, charge sheet was filed on 10.06.2022 and application seeking bail was filed which is rejected by impugned order.

2. Learned counsel for the appellant submits that co-accused Shaikh Aadil Shaikh Hussain was released on bail by the Division Bench in the matter of Criminal Appeal No.303 of

2023 and on the ground of parity, present appeal needs to be allowed. It is submitted that as the charge sheet is filed. There is sufficient incarceration of the appellant. He would submit that he is not involved in the offence and falsely implicated in the present crime. He is entitled to be released on bail.

3. Learned APP supports impugned order on the basis of the affidavit-in-reply. She would submit that there are eye witnesses including the informant. The injury certificates of the witnesses corroborate with the prosecution story. There is probable recovery at the instance of the appellant. There are serious antecedents of five offences against the petitioner, which is described in paragraph No.9 of the reply. The statements under Section 164 of Code of Ukaji and Sumedh are consistent with the prosecution story. Post Mortem report supports the prosecution case.

4. Learned counsel Mr. Chavan for respondent No.3 adopts the submissions of the learned APP. Additionally, it is submitted that there is video recording of the incident in question which is secured by following due procedure of law. He would submit that it is a brutal assault on the deceased and multiple injuries are inflicted by the appellant with knife.

5. I have gone through judgment and order passed by the Co-ordinate Bench in granting bail to co-accused Shaikh Aadil. Considering the papers of investigation especially First Information Report, there is a difference in the allegations levelled against present appellant and the co-accused. There is overwhelming evidence to show the involvement of the appellant in the form of statements of the witnesses including Ukaji and the statements under Section 164 of the Code. I have also gone through the injury certificates of the injured witnesses. Post Mortem notes and the injury certificate of the witnesses clearly corroborate the prosecution story.

6. The panchnama showing transcript of the video would also indicate the incriminating role of the appellant. This Court cannot be oblivious of the serious antecedents of the appellant disclosed in paragraph No.9 of the affidavit-in-reply of the State. There is clinching evidence against him. The material on record indicates that multiple blows were given by him with knife which has caused death.

7. Independently, I have gone through the impugned order. I do not find that there is any perversity or illegality. No case is made out to cause any interference in the impugned order. Hence, the following order:

ORDER

- (i) Criminal appeal is dismissed.
- (ii) For the assistance rendered to this Court, fees of Rs.5,000/- is quantified to the learned counsel appointed for respondent No.3.

(SHAILESH P. BRAHME, J.)

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vmk/-