

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

19 BAIL APPLICATION NO.1336 OF 2020

RAJU @ KHANACHA S/O. JUMANNA BHOSLE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr Latange V.P.
APP for Respondent : Mr. R V Dasalkar

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CORAM : V.K. JADHAV, J.
Dated: December 01, 2020

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PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No.90 of 2020 registered with Sonpeth Police Station, District Parbhani for the offences punishable under sections 302, 324, 504 of the Indian Penal Code. His application with similar prayer Exhibit 8 in S.T. No.33 of 2020 came to be rejected by the learned Additional Sessions Judge, Gangakhed District Parbhani vide order dated 13.10.2020.

2. Learned counsel for the applicant submits that as per the allegations made in the complaint, the applicant allegedly given only one blow on the back side ribs of the deceased, however, in the postmortem report there are

near about eight injuries on the person of the deceased. Learned counsel submits that as per the allegations made in the complaint, the quarrel had taken place on account of some financial transactions between the informant and the applicant. The applicant is the real uncle of the informant. Learned counsel submits that, surprisingly, the informant has sustained only one simple injury on his shoulder. The deceased, who happened to be the wife of the informant had tried to intervene into the quarrel, however, she had sustained eight injuries. Learned counsel submits that it is not explained as to how the deceased had sustained eight injuries when the allegations as against the applicant indicates that the applicant has inflicted only one injury on the back of the deceased. Learned counsel submits that the applicant is in jail since 25.03.2020. Investigation is over and charge-sheet has been submitted. Learned counsel submits that though charge has been framed against the applicant, however, the trial is not commenced against the applicant in its real

sense due to pandemic situation. The applicant may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that there are eye witnesses to the incident. Informant has sustained injury in the alleged incident. Learned APP submits that there are two eye witnesses namely Satish and his wife Sunanda and both of them in their statements recorded under section 164 of Cr.P.C. before the Magistrate has specifically attributed role to the applicant about inflicting the injuries on the person of the deceased with the help of knife. Learned APP submits that it has also come in the statement of the other witnesses that the applicant used to keep a big knife tied on his waist. Learned APP submits that during the investigation knife allegedly used in the assault has been seized by drawing a memorandum and recovery panchanama under section 27 of the Evidence Act. Prima facie, there is strong case against the applicant. There is criminal history. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the charge-sheet, it appears that the prosecution case rests upon ocular evidence. The informant/injured has alleged in the report that the applicant has used knife in causing injuries on the person of the deceased. I have carefully gone through the postmortem report. In column no.17 there are near about eight injuries on the person of the deceased and out of those eight injuries, three injuries are incised wounds. The opinion as to the cause of death is death due to "Hemorrhagic shock due to stab wound." Prima facie, there is evidence about homicidal death. Both the eye witnesses in their respective statements recorded under section 164 of the Cr.P.C. before the Magistrate have specifically alleged that the present applicant has used knife in the assault and initially caused injury on the back and thereafter on the left side ribs of the deceased and also inflicted other injuries with the help of the knife. Prima facie, there is strong case against the applicant. Moreover, the trial

has already been commenced. I am thus not inclined to release the applicant on bail. Hence, following order.

O R D E R

Application is hereby rejected.

(V.K. JADHAV, J.)

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