

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 426 of 2021

(Manish S/o Gajanan Sultane **..vs..** State of Maharashtra through P.S.O., Dhanaj, Tq. Karanja,
Distt. Washim)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D. G. Dhoble, Advocate for the applicant
Ms. T. H. Udeshi, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 14-07-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is arraigned as accused 2 in Crime 228/2020 registered with Police Station, Dhanaj, Tah. Karanja, District Washim for the offences punishable under Sections 302, 307, 326, 504, 506 and 109 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

3. The crime is registered on the basis of report lodged by Mr. Ananda Ghate.

4. The gist of the report is that at 8.30 p.m. on 23-6-2020, co-accused Ankush, the applicant, co-accused Gajanan and co-accused Pramila picked up a quarrel with the first informant on trivial issue and starting heaping abuses. The son-in-law of the first informant Ishwardas and the daughter-in-law of the first informant Mrs. Sunanda were then visiting the house of the first informant. Mr. Ishwardas sought to intervene and pacify the accused. However, co-accused Ankush whipped out a *gupti* and stabbed Mr. Ishwardas in the stomach. Applicant Manish allegedly stabbed Mr. Ishwardas on the back. Akshay who is son of the first informant also suffered injury due to knife blow inflicted by co-accused Ankush. According to the first informant, accused 4 Pramila hit him with a stone and co-accused Gajanan injured his daughter-in-law Sunanda by inflicting the wound on the head with the wooden/stick part of a spear. Mr. Ishwardas succumbed to the injuries.

5. Accused 1 Ankush and the present applicant are brothers and accused 3 and 4 are their father and mother

respectively. The accused have a different narrative. According to them, the aggressor was Mr. Ishwardas who inflicted a sickle wound on the chest of co-accused Ankush and that it was in a free fight, if at all, that the death of Ishwardas was caused.

6. At this stage, it would not be appropriate to minutely examine the material on record, as if, conducting a mini trial. There are two reasons why I am inclined to grant bail. The first is that the predominant role is attributed not to the applicant but to Ankush, and it does not appear to be in dispute that Ankush was injured and a separate offence is registered against the family members of the first informant. The second reason is that the applicant has no criminal antecedent and it is not even argued that he poses a flight risk.

7. Without intending to make any observation on merits, strictly considering the role of the applicant, a case for grant of bail is made out.

8. The applicant be released on bail on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount on following conditions.

(a) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) The applicant shall not leave the country without the permission of the jurisdictional Court.

9. The application is allowed in the aforesaid terms.

JUDGE

wasnik