

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

**927 BAIL APPLICATION NO.263 OF 2022**

**WITH**

**APPLN/855/2022 IN BA/263/2022**

**WAMAN MARUTI NAGARGOJE**

**VERSUS**

**THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr.Brahme Shailesh P.

P.P. for Respondent-State : Mr.D.R.Kale

Advocate for the informant : Mr. M.P. Kale

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**CORAM : M. G. SEWLIKAR, J.**

**DATE : 11<sup>th</sup> MARCH, 2022.**

**PER COURT :**

1. This is an application under Section 439 of the Code of Criminal Procedure (for short "Cr.P.C.") for releasing the applicant on bail in connection with Crime No. 365 of 2020 under Section 302, 307, 354(A), 324, 504, 506, 143, 147, 148, 149 and 120 (B) of the Indian Penal Code, under Section 135 of the Maharashtra Police Act and under Section 4/25 of the Arms Act registered with the police station Gangakhed, Dist. Parbhani.

2. The informant has three daughters by the name of Shubhangi, Rajashri and Tejaswini and two sons by the name of Ravi

and Yash. On 28<sup>th</sup> July, 2020 at 8.00 p.m. the informant saw accused Dipak Munjaji Nagargoje with two unknown persons. Accused Dipak did not like Ravi chit-chatting with sister of accused Dipak. Accused Dipak said to the informant Trimbak Maruti Mundhe to call the son of the informant by the name of Ravi. Informant said to the accused Dipak that Ravi had been to Parbhani and informant would call Ravi in the morning. Soon thereafter applicant Munjaji Nagargoje, accused Waman Nagargoje and accused Murali Nagargoje came there. Thereupon, accused Dipak delivered a blow of scythe on the left thigh of the informant. Accused Dipak again assaulted the informant with scythe. As a result of which informant sustained injuries on thumb of his left hand and on the left part of the neck. Applicant Munjaji delivered a blow of stick on the hand of the informant. On hearing commotion, Rajashri and Subhangi came there and tried to rescue the informant. At that time, accused Dipak and others started abusing Shubhangi and Rajashri. At that time, accused Dipak molested Rajashri by holding her hand and pulling her towards him. Since Rajashri offered resistance, accused Dipak delivered a blow of scythe on her both hands and back. Applicant Munjaji delivered a blow of stick on the hand of Rajashri. When Subhangi came to rescue Rajashri, accused Dipak molested Subhangi by pulling her towards him, At that time, two unknown persons were aiding him. Shubhangi started screaming. Accused Dipak delivered

a blow of scythe on her left hand and applicant Munjaji beat her by means of a stick.

3. The informant was shifted to the Hospital in an auto and was admitted in Spandan Hospital, Parbhani. Informant died during treatment. Initially, offence was registered under Section 307, 354-A, 324, 504, 506, 143, 147, 148, 149, of the Indian Penal Code, Section 135 of the Maharashtra Police Act. The deceased died on 12<sup>th</sup> August, 2020. Dead body was sent for post mortem. Investigation was carried out. Statements of witnesses were recorded and after disclosure of the offence, charge-sheet was submitted in the Court.

4. Initially aforesaid offences were registered against the applicant and accused but later on the supplementary statement of the complainant Trimbak, offences under Sections 302, 307, 354-A, 324, 504, 506, 143, 147, 148, 149, 120B of the Indian Penal Code, Section 135 of the Maharashtra Police Act and under Section 4 and 5 of the Arms Act have been inserted in the charge-sheet.

5. Heard the learned counsel Mr. Brahme for the applicant, Mr. D.R. Kale, learned P.P. for the State and Mr. M.P. Kale, learned counsel for the informant, assisting the learned A.P.P.

6. Mr. Brahme, learned counsel for the applicant submits

that the other accused having similar role have been released by this Court, therefore, on the ground of parity the applicant is seeking bail. He further submits that the role of the applicant is only instigating the other accused to beat the deceased. He further submits that the applicant had approached the Hon'ble Supreme Court after his application for bail was rejected, after filing of the charge-sheet. The Hon'ble Supreme Court rejected the application.

7. Learned counsel Mr. Brahme further submits that the core of the dispute was the marriage of Sandhya Rani daughter of Munjaji (the co-accused) with the son of the deceased by the name of Ravindra Trambak Mundhe. The marriage of Sandhya Rani and Ravi was performed with pomp and show on 08.09.2021. He submits that the applicant is behind the bars since 09<sup>th</sup> October, 2020. Charge is still not framed and therefore, the applicant deserves to be released on bail.

8. Learned P.P. for State Mr. Kale and Mr. M.P. Kale, learned counsel assisting the learned APP submit that the trial could not be proceeded with because of the ongoing pandemic situation on account of COVID-19. They submit that the event of the marriage of Sandhya Rani with Ravi cannot be called as the change in circumstance.

9. I am in agreement with the learned P.P. Mr. Kale for respondent-State and the learned counsel Mr. M.P. Kale for informant. The event on which the learned counsel Mr. Brahme sought to argue cannot constitute the change in circumstance. In this view of the matter, I am not inclined to release the applicant on bail. Hence the following order is passed :

**ORDER**

- a. Application is dismissed.
- b. Application for assist to learned A.P.P. is consequently disposed of.

( M. G. SEWLIKAR, J. )

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