

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

BAIL APPLICATION NO. 833 OF 2022

Munjaji Maroti Nagargoje

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. S.P. Brahme, Advocate for applicant
Mr. D.R. Kale, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATE : 12th JULY, 2022**

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 365 of 2020 registered with Gangakhed Police Station, Dist. Parbhani for the offences punishable under Sections 302, 307, 354-A, 324, 504, 506, 143, 147, 148, 149, 120-B of the Indian Penal Code ('I.P.C.') and under Sections 4 read with Section 25 of the Indian Arms Act.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by one Tryambak Mundhe on 30th July, 2020. The informant has two sons and three daughters. Ravi is one of his

sons. It is averred in the F.I.R. that on 28th July, 2020 at about 08.00 p.m. Deepak Nagargoje (Accused No.1) alongwith two unknown persons came his home. Deepak enquired with the informant as to why did Ravi talk to her sister on cell phone. Meanwhile, the applicant and two others viz. Waman and Murali came there. The informant told Deepak that Ravi had gone to Parbhani. Deepak thought that Ravi was at home. The informant asked him to come on the following morning when Ravi would be there. Deepak got annoyed thereby. He was armed with a sickle, used for sugarcane harvesting. He assaulted the informant with sickle on his left thigh. He again attempted to assault the informant with sickle. The informant raised his hand to ward off the blow. The blow fall on his left hand and neck. The applicant assaulted the informant with a stick. Rajashri and Shubhangi, daughters of the informant, came from the house on hearing the noise. Both of them intervened to save the informant. Deepak caught hold the hand of Rajashri with a view to outrage her modesty. Since Rajashri put up resistance, Deepak assaulted her with the sickle blows. The applicant assaulted her with stick. Shubhangi intervened to save Rajashri. Deepak assaulted her too with sickle. The applicant also beat her up with stick. The others two were exhorting the applicant and Deepak. Due to injuries suffered, the informant passed away.

4. Learned counsel for the applicant would submit that there is change in the circumstances. The incident took place over emotional relationship between the son of the deceased and sister of Accused No.1 –

Deepak. Both, Ravi and Sandhyarani have now got married with each other. The marriage certificate has been placed on record. He would further submit that the co-accused has been granted bail. By passage of time and considering the role played by the applicant in the alleged offence, he be granted bail.

5. Learned A.P.P would, on the other hand, opposed the application on the ground of seriousness of offence.

6. It is true that this is a successive bail application. The applicant has been behind the bars for about two years. The reason for the incident was emotional relationship between the son of the deceased and the sister of Accused No.1 – Deepak. Both of them have now got married with each other. True, the same cannot be a reason to grant bail. The fact, however remains that it is Accused No.1, who had assaulted the deceased and his two daughters with a sickle. He, therefore, may not deserve grant of bail. The applicant herein has wielded a stick. He allegedly gave stick blows to the deceased on his right hand. True, he also assaulted both the daughters of the deceased with a stick. Involvement of the applicant in the offence punishable under Section 302 and 307 of the I.P.C. is sought to be invoked with the aid of Section 34 of the I.P.C. In this view of the matter and the fact that he has been behind the bars for about two years, moreover considering his role in the alleged offence, I am inclined to grant him bail.

7. In view of the aforesaid matter, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 365 of 2020 registered with Gangakhed Police Station, Dist. Parbhani for the offences punishable under Sections 302, 307, 354-A, 324, 504, 506, 143, 147, 148, 149, 120-B of the Indian Penal Code and under Sections 4 read with Section 25 of the Indian Arms Act, on executing PR. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD