

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

BAIL APPLICATION NO. 1231 OF 2022

Deepak Munjaji Nagargoje

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

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Mr. R.S. Deshmukh, Senior Advocate i/b Mr. D.R. Deshmukh, Advocate for applicant

Mr. A.V. Deshmukh, A.P.P. for respondent – State

Mr. M.P. Kale, Advocate for assist to A.P.P.

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CORAM : R.G. AVACHAT, J.

DATE : 13th SEPTEMBER, 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, 354A, 324, 504, 506, 143, 147, 148, 149 and 120B of the Indian Penal Code, under Section 135 of the Maharashtra Police Act and under Sections 4 and 25 of the 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 the victim himself on 30th July, 2020. It is his case that he alongwith his two daughters – Shubhangi and

Rajashree were home. It was 08:00 p.m. on 28th July, 2020. The applicant alongwith two unknown persons came to the informant's residence. He enquired whereabouts of informant's son – Ravi. He also questioned the informant as to why did Ravi staying in contact with his sister. Meanwhile, other three viz. Munjaji, Waman and Murali (co-accused) came there. The informant told them that Ravi had gone to Parbhani and assured that he would be available the following morning. The applicant was armed with a sickle. He got annoyed. The applicant assaulted on the thigh of the informant with the sickle. He attempted to give second blow thereof on the informant's head. The informant raised hand. The blow fell on his fingers and neck as well. The applicant also assaulted the informant's daughters with the sickle and even outraged the modesty of Shubhangi. Others beat up the informant.

4. The informant was rushed to the hospital. Unfortunately he died of injuries suffered. On investigation, the applicant and co-accused have been proceeded against by filing the charge-sheet.

5. Learned counsel for the applicant would submit that the applicant is just twenty-two years of age. All the co-accused have been granted bail. Sister of the applicant has married son of the informant. It will take time for commencement and conclusion of trial. He, therefore, urged for grant of application.

6. Learned A.P.P and learned counsel for the intervener have strong objection to grant the application. According to them, if the applicant is granted bail, he may attempt to commit an offence of honor killing. According to them, the applicant has wielded a sharp weapon. They, therefore, urged for rejection of the application.

7. Considered the submissions advanced. The applicant was twenty years of age when the offence took place. He is in jail for little over two years. Cause of death is **multiple injuries** . Same suggests the co-accused, who have also assaulted the deceased, were also responsible to the cause of death. Admittedly, all the co-accused have been granted bail. The applicant assaulted the informant on his thigh. Another blow fell on the fingers of the informant and neck. The applicant is now twenty-two years of age. He is in jail for little over two years. It will take time for conclusion of trial. Without making further observation, the Court is inclined to grant the applicant bail mainly on the ground that all the co-accused have been granted bail.

8. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 365 of 2020 registered with Gangakhed Police Station,

Dist. Parbhani for the offences punishable under Sections 302, 307, 354A, 324, 504, 506, 143, 147, 148, 149 and 120B of the Indian Penal Code, under Section 135 of the Maharashtra Police Act and under Sections 4 and 25 of the Arms Act, on executing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one surety in the like amount.

(III) The applicant shall mark his attendance with Gangakhed Police Station, Dist. Parbhani once a week i.e. on every Sunday at 11:00 a.m. for next ten months.

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

(R.G. AVACHAT, J.)

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