

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

924 BAIL APPLICATION NO.1686 OF 2022

VISHAL SAHEBRAO SONAWANE (PANCHAL)
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Raje Vikrant P.
APP for Respondent-State : Mr. K. S. Patil.

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CORAM : S. G. MEHARE, J.
DATE : 11.11.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant approached this Court for bail under Section 439 of Cr.P.C. for the offence under Section 302, 323, 504, 506 read with Section 34 of IPC.
3. It is really unfortunate that a person has lost his life only for Rs.10/- which was to be paid by the applicant's niece for cucumber. The FIR reveals that when one Prakash purchased the cucumber from the niece of the deceased, he did not pay her Rs.10/-, so she made a complaint to the deceased. Therefore, he went to the house of Prakash. The applicant was also present there. They had exchange of hot words. The applicant and other co-accused started beating the deceased.

Lastly, the deceased was fallen down and the applicant sat on his chest and banged his head against the land. The deceased died instantaneously.

4. Learned counsel for the applicant would submit that the other co-accused have been released on bail. The applicant is behind the bars. He has family responsibilities. There are no antecedents to his discredit. It was the quarrel in the spur of the moment. The applicant has no intention to kill the deceased. The trial is not opened. This Court by order dated 17.03.2022, in Bail Application No.334 of 2022 has granted liberty to renew his request before the trial Court for bail, if the trial does not get concluded within six (6) months. In view of the liberty granted to him, he has moved an application for bail before the Sessions Court. But the Sessions Court did not consider the facts and not appreciate the evidence. He would also argue that the trial may take its own time. At present, just the charges have been framed. There is no possibility of tampering the prosecution witnesses. Though the offence is allegedly serious, but the intention is missing. Therefore, he may be granted bail.

5. Learned APP has strongly opposed the application contending that the applicant ought to have shown the change-

in-circumstances. There are no change-in-circumstances when the earlier bail application of applicant before this Court was withdrawn with liberty to file a fresh bail application, after six months if the trial is not concluded. That apart, he also argue that only for Rs.10/-, an innocent person had lost his life. The applicant was so aggressive. He killed the applicant instantaneously. Considering his aggression, the possibility of tampering the prosecution witnesses cannot be ruled out. He does not deserve bail.

6. The facts of the case have been discussed above. Only for Rs.10/-, one person has lost the life. The role attributed to the applicant was most active. He mercilessly banged his head against the land. Hence, the deceased died instantaneously. The Post Mortem report also supports the prosecution case. The deceased had the underscalp hematoma over parietooccipital region. The cause of death was “head injury”. Considering the gravity of offence, the nature of the evidence collected against him and possibility of tampering the prosecution witnesses, it is not desirable to grant bail to the applicant. Hence, the application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-