

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

39 BAIL APPLICATION NO.1950 OF 2022

LAKHAN @ LAXMAN BALU JAGTAP
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Shermale K. N.
APP for Respondent-State : Mr. A. A. Jagatkar.
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CORAM : S. G. MEHARE, J.
DATE : 12.12.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The incident allegedly happened on 13.08.2022. It has been alleged that the applicant hit the deceased on public road for money. The deceased was lying at home and died in the morning. It has been also alleged that the deceased narrated the incident to her mother and maternal uncle.
3. Learned counsel for the applicant would argue that there is no direct evidence against the applicant. The deceased was core drunkard. The applicant did not assault him as alleged. There is inordinate delay in recording the statements of the witnesses, whom the deceased allegedly narrated the incident.

There were no material injuries on the person of the accused. The deceased might have fallen on the surface due to the heavy liquor. There are no antecedents to the discredit of the applicant. He may be granted bail.

4. Learned APP would submit that the deceased disclosed the incident to the witnesses specifically alleging against the accused about assault. The deceased had Hematoma over both parietal bones extending towards frontal and occipital bone. Such injuries are not possible by fall. There is evidence against the applicant to believe the prosecution case at this juncture. Hence, he may not be granted bail.

5. The facts of the case reveals that no report was lodged immediately after the disclosure of the incident to the witnesses. However, one of the witness states that the deceased was over drunkard and used to ill due to heavy consumption of the liquor. It may help the applicant. There is no direct evidence against the applicant except the threat he gave to the deceased that he would see him, if he would not return his money. There is inordinate delay in recording the statements of the persons whom the deceased allegedly narrated the incident. The investigation has been completed. There are no

antecedents to the discredit of the applicant. The applicant is a labour.

6. In view of the allegations levelled against the applicant and the material collected against him, the applicant appears to have *prima facie* case for bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **LAKHAN @ LAXMAN BALU JAGTAP** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.328 of 2022, registered by Police Station Sangamner Taluka, District Ahmednagar, for the offences punishable under Sections 302, 323, 506 of the IPC, on the condition not to tamper the prosecution witnesses.

(S. G. MEHARE, J.)

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vmk/-