

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3855 OF 2021

Rohidas Balkrishna Sawant

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Shailesh D. Chavan for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent – State.

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CORAM : C.V. BHADANG, J.

DATE : 11 JANUARY 2022
(Through Video Conferencing)

P.C.

. This is an application for bail. The applicant-accused has been charge sheeted for the offence punishable under section 302, 324 and 510 of IPC.

2. On 24 July 2018 there was a public religious function near Ramvardayini temple at village Chipni (Hergaon) Tal. Karad, Distt Satara, where the villagers were called for *Prasad (Dinner)*. The incident happened at about 7.30 pm when the applicant is alleged to have gone there under the influence of liquor. There was an altercation between the applicant and Mahesh Pawar as the applicant was unhappy with the manner of serving food.

Dipak Sankpal and Ankush Jagtap intervened in the matter and the applicant was sent home. It is alleged that at about 8.30 pm the applicant again went near the temple and started abusing Mahesh Pawar. The deceased Amol Pawar, the brother of Mahesh Pawar, tried to pacify the applicant asking him not to abuse Mahesh Pawar. At that time the applicant is alleged to have taken out a knife from his burmuda pant and tried to assault Amol. Amol tried to ward off the assault in which he fell down after which the applicant is alleged to have assaulted Amol twice on the left side of the stomach. The informant Sampat Shankar Jadhao went to intervene when he also sustained an injury to his left hand. The applicant thereafter fled from the spot. Amol was shifted to Sub district hospital at Karad where he died on 27 July 2018.

3. On the basis of a complaint lodged by Sampat Jadhao with PS Umbraj an offence at crime no 242/2018 came to be registered and after investigation a chargesheet has been filed. The applicant was arrested on 22 October 2018 and is in custody since then.

4. I have heard the learned counsel for the applicant and the learned APP. Perused record.

5. It is submitted by the learned counsel for the applicant that there is no premeditation and at the highest the incident happened on the spur of the moment. It is pointed out that the deceased died on account of septicemia, due to 'exploratory laparotomy' which is not directly related to the injuries sustained. He submitted that the investigation is complete and there is no purpose for further detention of the applicant behind bars.

6. The learned APP has submitted that the applicant went twice to the spot of the public function and had altercation with the brother of the deceased and then assaulted the deceased resulting into his death. There are eyewitnesses to the incident.

7. I have considered the circumstances and the submissions made. The incident is alleged to have happened during the religious function where the villagers were called for *Prasad*. The applicant was annoyed as to why Curry was not being served and hence had spilled the curry. Mahesh Pawar tried to pacify the applicant when he was abused. On intervention by others the applicant was sent home. It *prima facie* appears that the applicant again returned to the venue with a knife and started abusing Mahesh Pawar. When the the deceased tried to pacify the applicant he was assaulted, when the deceased had fallen down. The APP has pointed out that the deceased was absconding after

the incident and could be arrested only on 22 October 2018. There are eye witnesses to the incident, including the informant who himself got injured . There is also recovery of the weapon and the clothes at the instance of the applicant. The submissions based on the cause of death shown as septicemia cannot be accepted at this stage. *Prima facie* the medical complications and the septicemia is the result of the injuries caused by the applicant. It is necessary to note that after the applicant was sent home he is alleged to have again come on the spot armed with a knife which *prima facie* indicates premeditation. Thus no case for grant of bail is made out.

8. The application stands rejected.

9. It is made clear that the observations herein are for the limited purpose of deciding the application for bail. The Learned Sessions Judge shall not be influenced by the same at the trial.

C.V. BHADANG, J.