

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.987 OF 2023

SANJAY VIJAY MULEKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Paresh B. Patil (Borse)
APP for Respondent : Mr. Y. G. Gujrathi
...

CORAM : S. G. MEHARE, J.

DATE : 26-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is seeking bail in C.R.No.252 of 2021 registered with Jafrabad Police Station, District Jalna, for the offences punishable under Sections 302, 143, 147, 148, 149, 323 and 504 of the Indian Penal Code (Sessions Case No.119 of 2023 pending on the file of learned Additional Sessions Judge, Jalna).
3. The learned counsel for the applicant would submit that the applicant is Gosavi by caste and profession. After the incident, he went in the other State, but had no intention to abscond. He would also argue that it was a casual quarrel. The applicant had no intention. There was four days delay in lodging the first

information report. The stone used in the crime was recovered from the spot of the incident. The nature of the incident itself indicates the absence of the motive.

4. The learned A.P.P. would submit that the applicant will not attend the trial. He had deliberately absconded for one and half year. The informant and the applicant are the residents of the same vicinity. The witnesses may be tampered.

5. The learned counsel for the applicant would submit that the applicant is ready to undertake to attend the police station frequently to assure his presence for the trial.

6. Perused the papers. It seems that it was a quarrel between two families. The complainant was opposing the applicant from coming to the lane and therefore the incident happened. It seems that during the course of quarrel, stone was pelted and unfortunately the woman lost her life. The point whether the applicant had intention to kill the deceased or not, can be decided by the trial Court. There are no antecedents to the discredit of applicant. The trial may take its time. Hence, the applicant may be granted bail on conditions. Hence, the order:-

- i) Bail application is allowed.
- ii) Applicant Sanjay Vijay Mulekar be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety

of the like amount, in C.R.No.252 of 2021, registered with Jafrabad Police Station, District Jalna, for the offences punishable under Sections 302, 143, 147, 148, 149, 323 and 504 of the Indian Penal Code (Sessions Case No.119 of 2023 pending on the file of learned Additional Sessions Judge, Jalna), on the conditions that,

- (a) He shall not tamper with the prosecution witnesses.
- (b) He shall not enter the lane in which the injured, the deceased and her family members reside till the conclusion of the trial.
- (c) He shall attend the concerned police station on every first and last Tuesday of each month, between 10.00 a.m. to 01.00 p.m. till conclusion of the trial.
- (d) He shall attend the trial on each and every effective date.

**(S. G. MEHARE)
JUDGE**