

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1016 OF 2023

SANGRAM MANIK DONGRE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ameya N Sabnis
APP for Respondent : Ms. V. N. Patil Jadhav
...

CORAM : S. G. MEHARE, J.

DATE : 07-07-2023

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.26 of 2023 registered with Shrirur Anantpal Police Station, District Latur, for the offences punishable under Sections 302, 307, 324, 323, 504 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant would submit that it was a single blow injury in the quarrel. The applicant had no intention to kill the deceased. There were no antecedents to his discredit. One witness states that at the time of the alleged incident he saw the applicant and others standing near the spot of the incident. The said statement contradicts allegations levelled in the first information report. The first informant and the family of the applicant had differences over the partition of the property.

The compromise talk between the parties was failed. The applicant played no role in the alleged incident. He is a bread winner of his family. Considering the facts of the case, he may be granted bail.

4. The learned A.P.P. would argue that the applicant was aggressive. Initially, he assaulted the first informant with stone and caused him injury and when the deceased came there, again he assaulted the deceased with stone and caused head injury. The stone was heavy. The applicant had knowledge that someone may die if the stone is thrown at him. The conduct of the applicant itself shows that he did not bother about the life of the deceased and assaulted with stone to the persons one after another. The offence is serious. The injured and the deceased were the relatives of the applicant. There is a great possibility of tampering with the prosecution witnesses. Hence, he may not be granted bail.

5. Perused the papers. There appears a substance in the arguments of the learned A.P.P. that the applicant was aggressive. Firstly he assaulted the first informant with stone and caused him grievous injuries. Thereafter, again he adopted the same *modus operandi* and assaulted the deceased with a stone on his head. That caused serious injury to the head of the deceased. The stone was heavy in size.

6. Considering the role played by the applicant and the relations between injured and the deceased and also the gravity of the offence, the court is of the view that this is not a fit case to exercise the discretion under Section 439 of the Code of Criminal Procedure, in favour of the applicant.

7. Hence, the bail application stands dismissed.

(S. G. MEHARE)
JUDGE

rrd