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

BAIL APPLICATION NO.1054 OF 2023

**DHIRAJ S/O BABU HUMBE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. More Abhijit S.
APP for Respondent/State : Mr. Y.G. Gujarati

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CORAM : S.G. MEHARE, J.

DATED : JULY 18, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.65 of 2023 registered with Osmanabad City Police Station, District Osmanabad for the offence punishable under Section 302 of the Indian Penal Code.
3. Learned counsel for the applicant would submit that unfortunately, the deceased met with a vehicular accident in front of the house of the applicant. Hence, he has been falsely implicated in the crime. He has no money transaction with the deceased. Both were working together. They had no quarrel with each other. The wife of the applicant has categorically stated the fact that it was a vehicular accident. The so-called eyewitness has not been named in

the FIR. The statement of the child witness is vague and it cannot be inferred from his statement that he witnessed the incident. The injuries sustained to the deceased were possible in road traffic accident. The applicant has been arraigned as an accused only for the reason that the incident happened in front of his house. Hence, he deserve bail.

4. Learned APP, opposing the bail application, would submit that there were eyewitnesses to the incident. The post mortem report categorically supports the prosecution case. Immediately after the incident, the first informant who was the son of the deceased reached on the spot and the deceased narrated him about the assault by the accused. Prima facie material is available against the applicant. The offence is serious. There was a money transaction between the accused and the deceased. Therefore, the applicant does not deserve bail.

5. Perused the charge sheet. The prosecution has a evidence of narration of the incident to his son by the deceased before his death. There is also a eyewitness, who has candidly deposed that the applicant assaulted the deceased with stone. The prosecution theory is supported by the post mortem report. Whether it was a road traffic accident is a matter of evidence during trial. Prima facie material is available against the applicant. The offence is serious and

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grave. Hence, the applicant has no case for bail. Hence, the following order :

ORDER

- (i) The application stands dismissed.
- (ii) Needless to state that the observations made in this application are prima facie restricted to bail applications only.

(S.G. MEHARE, J.)