

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

**BAIL APPLICATION NO.1476 OF 2023
WITH
CRIMINAL APPLICATION NO.3224 OF 2023**

Appa Manjiba Sonune
Age: 55 years, Occu: Agri.,
R/o Khandala, Tq. Bhokardan
Dist. Jalna

... Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Bhokardan Police Station,
Tq. Bhokardan, Dist. Jalna

... Respondent

...

Mr. P. P. More, Advocate for the Applicant
Mr. K. S. Patil, APP for the Respondent/State
Ms. P. A. Bhosle, Advocate for the Informant

...

CORAM : S. G. CHAPALGAONKAR, J.
DATE : 30.08.2023

PER COURT :

1. Heard the learned Advocate appearing for the applicant, learned APP for the respondent / State and learned Advocate appearing for the informant.
2. The applicant is seeking regular bail in connection with Crime No.283/2023 registered with Bhokardan Police Station for the offences punishable under Sections 302, 143, 147, 148, 149, 307, 323, 504 and 506 of the Indian Penal Code.

3. The investigation was set in motion on the basis of report given by Kadubai Keshavrao Sonune. In nutshell, it is alleged that the informant resides along with her husband/Keshavrao in the field and they are engaged in agriculture. They own agricultural land at Gat No.251 in village Khandala. They have dispute over the boundary with their neighbour i.e. Appa Manjiba Sonune/applicant. It is alleged that on 17/04/2023 in afternoon, the applicant and other accused persons raised a quarrel with the deceased and informant. Thereafter, again at about 7:00 pm while the informant was sitting in her court yard with her husband, the accused – Krushna Sonune and applicant – Appa Sonune along with other ladies arrived at the spot. The applicant – accused caught hold the hands of the deceased Keshavrao and Krushna Sonune gave a blow of stone on the head of Keshavrao. He suffered grievous injuries. Subsequently, he succumbed to the injuries. Accordingly, Crime No.283/2023 is registered against in all five accused persons. The applicant has been arrested on 19/05/2023.
4. Mr. More, learned Advocate appearing for the applicant would submit that admittedly, there is civil dispute between the family of the informant and accused. He would submit that the allegations in the FIR are exaggerated. He would submit that the accused – Hausabai Appa Sonone is aged about 80 years, but active role is attributed against her, which itself is sufficient to draw inference of exaggeration. He would submit that even otherwise, the main role is attributed against accused no.1 – Krushna Sonune regarding the assault using stones. He would

submit that apparently, the head injury is a cause of death. He would further submit that considering the dispute, it cannot be said that it is premediated assault. He invites attention of this Court to the spot panchnama and submits that possibility of accidental fall of the deceased and suffering of the head injury cannot be ruled out.

5. Learned APP and the learned Advocate appearing for the complainant vehemently oppose the application. They would submit that the brutal attack is made by all family members of the accused resulting into death of the deceased. They would submit that the applicant has played active role in the offence. He caught hold the hand of victim / deceased and accused no.1 inflicted the blow using stone. The learned Advocate appearing for the informant submits that the informant is only a lady, who is residing in the field. The release of the applicant on bail may be a threat to her life. Therefore, he opposes the prayer for bail.
6. Having considered the submissions advanced, apparently, there is dispute between the parties regarding boundaries of the lands. The dispute giving rise to the incident in question arose in the afternoon and subsequently, in the evening time, it escalated to level of causing assault to the deceased. The allegations regarding assault by stone on the head of deceased is against accused no.1. The secondary role is attributed against the applicant. As pointed out by the learned Advocate for the applicant, some exaggeration in the narration of the incident can be observed. However, it is a matter of trial. Considering the

specific role attributed against accused no.1, which has caused the death of the victim and limited role of the applicant, he can be released on bail subject to certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, namely, Appa Manjiba Sonune be released on bail in connection with Crime No.283/2023 registered with Bhokardan Police Station for the offences punishable under Sections 302, 143, 147, 148, 149, 307, 323, 504 and 506 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50000/- [Rs. Fifty Thousand Only] with one solvent surety of the like amount on the following conditions:
 - a) The applicant shall not enter village Khandala, Taluka Bhokardan, District Jalna for the period of three months from the date of this order and report the concerned Police Station once on 5th of every month for next three months.
 - b) He shall not tamper with the prosecution evidence in any manner.
 - c) He shall co-operate for disposal of trial.
- (iii) Bail Application is disposed accordingly.

**[S. G. CHAPALGAONKAR]
JUDGE**