

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

932 BAIL APPLICATION NO.1626 OF 2023

ASHOK BAHADURSINGH RAUL
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant :Ms. Sabahat T. Kazi
APP for Respondents: Mrs. P.V. Diggikar.

**CORAM : S.G. CHAPALGAONKAR, J.
DATE : 11TH OCTOBER, 2023**

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 452 of 2023 registered with Police Station Taloda, Tq. Shahada, Dist. Nandurbar, for the offences punishable under Sections 302, 504 of IPC.
2. The investigation was set in motion on the basis of complaint given by Vilas Arjun Raul who states that, his family is having dispute with accused Ashok Raul and others on account of partition of the land. Such dispute is going on since 2017. The court cases are pending against each other. Further he inform that, on 22nd December, 2022 while he was moving towards field, his grant-mother Renubai w/o. Vijaysingh Raul, was also proceeding ahead of him. Suddenly accused Ashok came on motorcycle and hurled abuses towards them for the reason of filing of criminal case against him. Thereafter, he took out knife from box of his motorcycle and inflicted blows on person of his grand-mother, who suffered severe injuries because of brutal attack and subsequently lost her life.
3. On the basis of aforesaid information, FIR was registered for

offence punishable under sections 302 and 504 of IPC against accused. Investigation progressed. Statement of witnesses are recorded. Applicant has been arrested. Finally, Charge-Sheet came to be filed against him. His prayer for grant of bail has been rejected vide order dated 11/08/2023 by order passed by Sessions Judge, Shahada. Hence, the present application.

4. Mrs. Sabahat T. Kazi, learned advocate appearing for the applicant vehemently submits that, there is a civil dispute between family of applicant and informant and cases are pending in court. The applicant has been falsely implicated. She would point out that, informant who is young man of 24 years, without resisting the alleged attack on his grandmother, ran away towards the village. Such contentions in the FIR are sufficient to infer falsity. She would further submit that, except the so-called eye witness i.e. the informant, no other independent witness is available against accused. She would submit that, applicant is behind bars since December, 2022. Trial will take its own time. Further detention of applicant may not be necessary. Therefore, she urges to release applicant on bail.

5. Learned APP vehemently opposes prayer for grant of bail. He would submit that, previous enmity is a double edged weapon. The FIR is promptly lodged. Role of applicant is narrated in detail. Weapon of offence is recovered from the applicant under section 27 of Evidence Act. It was having blood stains. The Post-Mortem Report shows multiple injuries suffered by deceased. Weapon Query Panchanama is made. Medical Officer has confirmed that the injuries found on the person of deceased are possible by the weapon recovered. He would therefore submit that there is sufficient evidence on record against applicant.

Release of the applicant at this stage may hamper smooth prosecution and possibility of tampering of evidence cannot be ruled out.

6. Having considered submissions advanced, it can be gathered that, first information report has been promptly lodged on 22/12/2022 i.e. same day when the incident in question took place. Informant has given narration the incident from its inception. He has narrated that the applicant inflicted several blows on the person of his grandmother. The Post-Mortem Report shows several injuries on person of deceased. The narration attributed against the applicant and injuries suffered by deceased can be co-related. After arrest of the applicant there is recovery of knife at instance of applicant under section 27 of Evidence Act. Weapon of offence is knife. The Weapon Query Panchanama confirms that the injuries suffered by deceased are possible by use of the weapon recovered.

7. It is also brought on record that previously, offence under Section 324 of IPC is registered against the applicant on the complaint given by the family members of the informant. Further, there is long standing civil dispute. The possibility of tampering of evidence so also recurrence of similar incidence at hands of applicant cannot be ruled out.

8. Taking into consideration the evidence on record and the role attributed against the applicant, no case is made out for grant of bail. Hence, the application is rejected.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-