

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

BAIL APPLICATION NO.1739 OF 2023

Arjun Sangram Kache,
age 21 yrs, Occ. Education,
R/o Koaudgaon, Tq. Ahemdpur,
District. Latur.

Applicant.
orig accused.

Versus

- 1) The State of Maharashtra
through police station officer,
Ahmedpur police station,
Tq. Ahmedpur, District Latur. Respondent.

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Mr. A.M. Reddy & Mr. M.N. Kalyane advocate for applicant.
Mrs. P.V. Diggikar, APP for the respondent State.

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CORAM : S.G. CHAPALGAONKAR, J.

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RESERVED ON : 18th OCTOBER , 2023
PRONOUNCED ON : 25th OCTOBER, 2023.

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ORDER :-

1. The applicant seeks regular bail in connection with crime no.I-413 of 2023 (S.C. 28 of 2023) registered with Ahmedpur police station for the offence punishable under section 302, 34 of the Indian Penal Code and u/s 3(1) 181 and section 146/196 of the Motor Vehicles Act. His application with similar prayer came to be rejected by the learned Sessions Judge, Ahmedpur vide order dated 15.9.2023.

2. The investigation was set in motion on the basis of information given by Smt. Girija Chandrashekhar Gangaji alleging that her husband Chandrashekhar is employed as a driver with the State Transport Corporation at Udgir. Therefore, she resides at Udgir

alongwith her husband and children. Her father-in-law resides at Koaudgaon. They frequently visits Koaudgaon. It is further alleged that on 3.7.2023 informant and her husband had been to village Koaudgaon. In their way, in front of house Piraji Pandurang Dhakane, two tractors were parked blocking the road. Therefore, the husband of the informant asked Arjun Sangram Kache (present applicant) to remove the tractors. It is further alleged that parents of Arjun Kache i.e. Sangram Kache and Mirabai Kache had animus in their mind on account of village politics and they said that they would kill husband of the informant crushing him under the tractor. It is further alleged that at about 6.10 p.m. scanty traffic was on the road, accused Arjun drove his tractor on the person of Chandrashekhar. At that time, Piraji Pandurang Dhakane was sitting on the platform in front of his house, who seen that Chandrashekhar is entangled to the mudguard of the tractor. He asked Arjun to stop the tractor. When Arjun stopped the tractor and took it in reverse direction, Chandrashekhar failed in between the tractor and trolley. Accused Arjun ran away from the spot. It is accordingly alleged that because of political rivalry accused drove his tractor on the person of the deceased and killed him. Investigation progressed. The applicant came to be arrested on 6.7.2023 in pursuance of the aforesaid crime. Since then, he is behind bar. On completion of the investigation, charge-sheet is filed in the Court of JMFC, Ahmedpur,

3. Mr. Reddy, learned advocate appearing for the applicant submits that deceased had suffered accidental injuries, however, because of village politics, the applicant has been falsely involved. He would submit that the informant was a candidate at Grampanchayat election. Father of the accused i.e. Sangram Kache came to be elected as a Member of the village Panchayat defeating informant. Taking disadvantage of the accidental injuries suffered by the deceased, false complaint is lodged. He would submit that the incident is dated

3.7.2023. FIR is lodged on 5.7.2023. There is delay of 48 hours in lodging the FIR, which is unexplained. He would further submit that entire charge-sheet nowhere depicts that the applicant/accused intentionally drove the tractor on the person of the deceased. Witness Gunwant Gidade simply states that he seen someone entangled to the mudguard of the tractor and when the applicant took tractor in reverse directions, the man failed on the road. He would therefore submit that the applicant be released on bail.

4. The learned APP strongly opposes the prayer. She would invite attention of this Court to the statement of father of victim, which records that informant and father of the accused were candidates at an election of village Panhchayat since then he had animus against deceased. He would submit that postmortem report confirms cause of death as “hypovolumic shock, neurogenic shock due to RTA”.

5. Having considered the submissions advanced and on perusal of the documentary evidence on record, it can be observed that there is delay of about 48 hours in lodging the complaint, which is not explained. Initially, medical paper refers cause of death on account of RTA. As per the narration of the incident in FIR, victim was entangled on mudguard of left side wheel and suffered injuries. Prima facie analysis of narration in the FIR does not show that victim was dashed by tractor from front side. At this stage, possibility that the victim suffered accidental injuries cannot be overruled, however, it would be the subject matter of trial. There appears political rivalry between the informant and father of the accused on account of village Panchayat elections. The applicant is aged 21 years and stated to be a student. The investigation in the matter is complete. Charge-sheet is filed. There are no criminal antecedents to discredit the applicant. Further detention of the applicant would not be necessary at this

stage. Hence, case is made out for grant of bail. Hence, the order.

O R D E R

- i. The application is hereby allowed.
- ii. The applicant Arjun Sangram Kache be released on bail in connection with crime no.I-413 of 2023 (S.C. 28 of 2023) registered with Ahmedpur police station, District Latur for the offence punishable under section 302, 34 of the Indian Penal Code and u/s 3(1) 181 and section 146/196 of the Motor Vehicles Act on his furnishing PR. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) on the following conditions :-
 - a. The applicant shall not tamper the prosecution evidence in any manner.
 - b. The applicant shall attend the Sessions Court on each and every effective date.
 - c. The applicant shall not indulge in criminal activities.
- iii. Application is accordingly disposed off.

(S.G. CHAPALGAONKAR, J.)

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