

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

BAIL APPLICATION NO.1818 OF 2023

1. Navnath s/o Sitaram Halnavar,
Age: 72 years, Occ.: Agri.
2. Appasaheb s/o Navnath Halnavar,
Age: 31 years, Occ.: Agri.

Both R/o. Halnavar Vasti, Mohari,
Tq. Jamkhed, Dist. Ahmednagar.

..Applicants

Versus

The State of Maharashtra,
Through Police Inspector,
Kharda Police Station,
Tq. Jamkhed, Dist. Ahmednagar.

..Respondent

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Mr. Rahul R. Karpe, Advocate for the Applicants.
Mrs. P. V. Diggikar, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 30th OCTOBER, 2023.**

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.134 of 2023 registered with Kharda Police Station, District Ahmednagar for the offences punishable under sections 302, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by one Anand Ashok Halnavar. It is alleged that on 03.07.2023, the father of the informant was asking the accused Yuvraj not to allow cattle in their field. There was quarrel on account of aforesaid facts. Thereafter, accused Yuvraj had been to his house and came back with axe. His brother

Dattatray also followed him and arrived at the spot. It is alleged that the accused Yuvraj assaulted the father of the informant and inflicted three blows of axe on his neck. It is further alleged that the applicants gave fist blows to the deceased. Ashok succumbed to injuries and lost his life. On the basis of the aforesaid information Crime No.134/2023 came to be registered with Kharda Police Station. The accused nos.3 and 4 are arrested on 03.07.2023. They were remanded to police custody till 07.07.2023. On completion of the investigation, charge-sheet is filed.

3. Mr. Karpe, learned Advocate appearing for the applicants would invite attention of this Court to the specific allegation attributed against the applicants. He would point out that the applicants are alleged to have given fist and kicks blows to the victim. The injuries which are responsible for death of the deceased are result of the assault by axe, which is attributed against accused no.1. Considering the limited role attributed against the applicants, it cannot be inferred that they had common intention to cause death of the victim. Hence, he urges to release the applicants on bail.

4. The learned APP strongly opposes the prayer. She would point out that all the accused persons with their common intention have raised attack over the deceased. The offence is serious. The release of the applicants may hamper the smooth trial.

5. Having considered the submission advanced, it is apparent that the inception of the incident itself is indicative that there was dispute between the deceased Ashok and the accused Yuvraj. The allegations against the applicants are only to the extent of giving fist blows to the deceased. The attribution of

causing injuries using axe are against the accused Yuvraj. The postmortem report suggests the cause of death attributable to the assault of axe. The investigation in the matter is complete. The charge-sheet is filed. The limited role is attributed against the applicants. They were not holding any weapon at the time of incident. No criminal antecedents are brought on record to their discredit. In that view of the matter, applicants are entitled for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Navnath s/o Sitaram Halnavar and Appasaheb s/o Navnath Halnavar be released on bail in Crime No.134 of 2023 registered with Kharda Police Station, District Ahmednagar for the offences punishable under sections 302, 323, 504, 506 r/w 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicants shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall attend each and every effective date before the Trial Court.
 - c. The applicants shall not indulge in any criminal activity.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE