



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1009 BAIL APPLICATION NO. 74 OF 2024

AASARAM SHANKAR DHONGARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Umesh G. Mitkari.
APP for Respondent/State : Mr. Mukesh K. Goyanka.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 15th February, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.328 of 2023, registered with Maujpuri Police Station, District Jalna, for the offences punishable under Sections 143, 147, 148, 149, 302, 307, 324, 323, 504 and 506 of the Indian Penal Code.

3 It is averred in the report that the informant and accused are relatives of each other. They are having agricultural land at village Maujpuri, Taluka and District Jalna. There was a quarrel on account of sharing of water from common well. It is further averred in the report that on 16th October, 2023, accused Shalikram alias Savlaram started to hurl abuses to the informant and assaulted him by iron pipe. That

quarrel was settled by the relatives. Thereafter, at about 11:00 pm, again quarrel started. Shalikram alias Savlaram and Pandit Dongre hurled abuses to informant and his family members. When the informant questioned them, again he was assaulted. Applicant Aasaram assaulted him by wooden log. That time, Pandit Dongre also assaulted him. Aasaram assaulted son of informant Yogesh. The other accused also assaulted the family members of informant particularly by stick and iron pipe. Nanibai Dongre and Kavita Dongre also assaulted the family members of the informant by fist and kick blows. Yogesh succumbed to the injuries on the spot.

4 The learned counsel for applicant submitted that applicant is having permanent, non-progressive, likely to improve 41% disability to the right upper limb. The learned counsel for applicant submitted that the applicant is falsely implicated in the crime. He is 73 years old. The learned counsel for applicant further pointed out the opinion of doctor, who examined the wooden log, in which the opinion is lacking. The learned counsel for applicant further submitted that Pawan Tompe and two women accused are released on bail. Rameshwar is juvenile. He is also released on bail. The learned counsel for applicant pointed the statement of Ganesh Babasaheb Dongre, in which the role of Pawan Tompe is spelled out that he also beaten Yogesh by wooden stick and iron strip. He further pointed out that there is no blood stains

to the wooden log seized at the instance of this applicant. He submitted that the applicant has roots in the society and he will not flee away from the trial. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the statements of witnesses as well as the postmortem report. He submitted that there is *prima-facie* material against the applicant, who was involved in the serious crime of murder. The alleged disability certificate cannot be relied upon at this stage. Considering the serious nature of crime, it is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, report as well as statements of witnesses and postmortem report. Co-accused Pawan Tompe is released on bail by the Sessions Court by order dated 5th December, 2023.

7 In the present case, now the charge-sheet is filed. The custodial interrogation of the applicant is not necessary. The applicant has roots in the society. He will not flee away from the trial. Considering the age of the applicant as well as the disability of 41% and fact that the trial will take long period, the application deserves to be allowed on certain stringent conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.328 of 2023, registered with Maujpuri Police Station, District Jalna, for the offences punishable under Sections 143, 147, 148, 149, 302, 307, 324, 323, 504 and 506 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not enter into village Maujpuri, Taluka and District Jalna, till the conclusion of trial.
 - d) If the applicant commits breach of any of the above conditions, the Trial Court is at liberty to proceed against the applicant for cancellation of his bail without reference to this Court.

[SANJAY A. DESHMUKH, J.]

nga