



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1016 BAIL APPLICATION NO. 114 OF 2024

Vilas Eknath Karchunde
VERSUS
The State of Maharashtra

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Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondents: Mr. R.D. Raut

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 14th MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 0193 of 2023 registered with Mukundwadi police station, District Aurangabad for the offences punishable under Sections 302, 324, 323, 504, 506 r.w. 34 of the I.P.C. His application with similar prayer below Exh.12 in Sessions Case No. 634 of 2023 came to be rejected by the learned Additional Sessions Judge, Chhatrapati Sambhajinagar, vide order dated 02.01.2024.

2. It is averred in the report that a quarrel took place between the applicant Vilas and deceased Gautam on account of payment of some amount of centering material on 8.5.2023. That time, Gautam made phone call to Vilas and spoke with him. Gautam and Amar were waiting for applicant Vilas at the site of construction. That time, Gautam scolded Vilas, who was working with him and quarrel took

place there. At about 3.30 to 4.00 p.m. Gautam went there. Gautam was sitting at the site of the construction. Vilas came there with his sister Ashwini Bhalerao and her husband Mahadeo Bhalerao. That time, wife of the applicant Vaishali Karchunde came there. Suddenly, the applicant Vilas went to his house and took an iron rod. Mahadeo Bhalerao caught hold Gautam and the applicant Vilas assaulted Gautam by an iron rod. Vaishali and Ashwini assaulted Gautam by fist and kick blows. Thereafter, Mahadeo Bhalerao caught hold Amar and applicant Vilas assaulted him by iron rod on his hands and leg. Vaishali and Ashwini slapped Gautam. Any how Gautam and Amar succeeded in running away from that place and went to Mukundwadi. Thereafter, they consumed liquor. Then they went to their house at Sanjaynagar. Amar saw that Gautam was sitting on the platform of his house, therefore, Amar went to his house. After some time, Gautam complained that he had stomach ache. His wife called Amar. He took him to Sahyadri Hospital. From the gate of the hospital, Gautam ran away. When Amar was chasing him, he saw that Gautam was lying near the lavatory of hospital at Mukundwadi. His wife and in laws were trying to awake him. He was taken to the house. Then he went to the police station and police had issued requisition for taking treatment at GHATI Hospital. However, Vilas snatched that requisition from Amar. Therefore, Amar went to his house and slept. Amar came to know at about 12.00 p.m. when the police came to him that Gautam is no more. Gautam was taken to MGM hospital. Doctor examined him and declared that he is no

more. The report was lodged by one Sanjay Wahul. Accordingly crime came to be registered.

3. Learned advocate for the applicant submitted that the applicant Vilas assaulted Gautam which was not iron rod but it was an iron pipe. There was no such intention to kill Gautam. The other co-accused are released on bail. He pointed out the order passed by this court on 14.12.2023 passed in bail application No. 2179 of 2023 and other accused are released on bail by the trial court. He lastly submitted to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and pointed out the report and the statements of the witnesses. He also pointed out the post mortem report and injury certificate. He submitted that the applicant is main accused and he assaulted by iron pipe. There is ample evidence against the applicant. He therefore, prayed for rejection of the application.

5. The applicant has no criminal antecedents, he has roots in the society, he will not flee away from the trial, the trial will take a long period and therefore, without adverting to the merits of the case, considering the facts and circumstances of the case as well as the nature, manner and conduct of the deceased Gautam and witnesses, in which such incident took place, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 0193 of 2023 registered with Mukundwadi police station, District Aurangabad for the offences punishable under Sections 302, 324, 323, 504, 506 r.w. 34 of the I.P.C. be released on bail on furnishing personal bond of Rs.1,00,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall attend each and every date before the trial court.
 - c) The applicant shall not enter in Aurangabad city till the conclusion of trial except the dates fixed by the trial court for hearing of the case.
 - d) If any breach of the above conditions is noticed by the trial court, the trial court is at liberty to proceed further for cancellation of bail of this applicant, without reference to this Court.

(SANJAY A. DESHMUKH, J.)