



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 BAIL APPLICATION NO. 580 OF 2024

Mauli @ Dnyaneshwar Karbhari Mangade

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondent/State : Mr.Satish A. Gaikwad

...
CORAM : SANJAY A. DESHMUKH, J.
DATED : 23rd APRIL, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.806 of 2023 registered with Police Station Taluka Jalna, Dist. Jalna, for the offences punishable under sections 307, 143, 147, 148, 149 of the Indian Penal Code and under sections 4 and 25 of the Arms Act, 1959.

2. Informant Rohit Narendra Tatipamulwar averred in the report that friend of this applicant Gajanan Taur and applicant were having quarrel with Tiger Shera and others. The quarrel took place on account of some amount. That time, Tiger Shera, Bhagwat

Dongre and others assaulted Gajanan Taur by pistol. That time Gajanan Taur, this applicant and others controlled Tiger Shera and Bhagwat Dongre by pressing them with their arm. Then this applicant assaulted by knife in the stomach of Bhagwat Dongre. Informant assaulted Gajanan Taur with ring of his hand. Thereafter, Bhagwat Dongre assaulted Gajanan Taur by that pistol. Gajanan felled down and informant and others ran away. This incident took place on 11.12.2023 and report was lodged on 12.12.2023.

3. The learned advocate for the applicant submitted that the friend of this applicant Gajanan died in that incident because of firing by pistol. That time, it is alleged that the applicant assaulted to the stomach of Bhagwat Dongre and he sustained injury to his stomach, however, informant has come with a different story that the applicant assaulted Bhagwat Dongre even if it is accepted as a true, the applicant has every right to defend himself, and therefore, he assaulted Bhagwat Dongre by knife. The applicant though has criminal antecedents, he has roots in the society, he will not flee away from the trial, trial will take long period, and therefore, the learned advocate for the applicant lastly prayed to allow this application.

4. The learned APP for the respondent-State strongly opposed the application and submitted that the applicant is involved in the said incident, which is corroborated by report registered earlier

to the report which was registered by the applicant. The grievance injuries are sustained to the informant. The applicant has criminal antecedents. If he is released on bail, he will not attend the trial and pressurize the witnesses. It is lastly prayed to reject the application.

5. Perused the papers of investigation, particularly the injury certificate of Bhagwat Dongre. Now he is discharged from the hospital and he is arrested. The pistols were used by Tiger Shera and Bhagwat Dongre for commission of murder of Gajanan Taur. No doubt, it is serious offence under section 307 of the Indian Penal Code, however, the fact situation prima facie shows that the applicant tried to protect himself and Gajanan Taur from that assault, and therefore, he might have exercised right of private defence. Considering all these aspects and that practical investigation is over, further custody of the applicant is not necessary, he has roots in the society and trial will not conclude within specified time, 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.806 of 2023 registered with Police Station Taluka Jalna, Dist. Jalna, for the offences punishable under sections 307, 143, 147, 148, 149 of the Indian Penal Code and under sections 4 and 25 of the

Arms Act, 1959 be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- b) The applicant shall not enter in Ambad Tahsil/Municipal council area, till the conclusion of trial.

III. If any breach of the above conditions is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to the applicant without further reference to this Court.

(SANJAY A. DESHMUKH, J.)

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