



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 BAIL APPLICATION NO. 646 OF 2024

Shubham Shahadev Dhaytadak

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Narwade Narayan B.

APP for Respondent: Mrs. Dipali S. Jape

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

PER COURT :-

1. This is an application for granting bail under section 439 of the Cr.P.C. in connection with crime No. 509 of 2023 registered with Pathardi police station, District Ahmednagar for the offences punishable under Sections 302, 324, 323, 143, 147, 148, 149, 504, 506 of the I.P.C. His application with similar prayer bearing criminal bail application No. 1449 of 2023 came to be rejected by the learned Additional Sessions Judge, Ahmednagar vide order dated 27.09.2023.

2. It is averred in the report by the informant that the applicant and his grand father were having enmity with the informant. The marriage of the son of informant was performed on 21.5.2023 and post marriage rituals were going at the house of the informant.

At about, 1.00 p.m. the applicant and other co-accused went there alongwith wooden log and knife and threatened all persons who were there. They assaulted the informant and his family members. The wife of the informant came there to intervene in the quarrel, at that time, applicant assaulted on her head by a wooden log. The accused Shahadev had also assaulted on her head by a wooden log. She fell down and died. The applicant also assaulted other family members and tried to flee away. However, the applicant caught hold there. When the wife of the informant Sushila was taken to the Hospital, the Medical Officer declared her as dead. Thereafter, report was lodged.

3. Learned advocate for the applicant submitted that post mortem report does not show any external injury sustained to Sushila on her head. However, some internal injuries are pointed out. He submitted that no any injury certificate of any of other persons is filed on record. He further submitted that the applicant has sustained injuries and the report has also been lodged against the informant and others on the second day of the incident. One of the accused i.e. father of the applicant has been released on bail by this Court in Bail Application No.129 of 2024 vide order dated 6th March, 2024. The applicant has roots in the society. He will not flee away from trial. The trial will take long time. The applicant has no criminal antecedents. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that Sushila died due to the assault made by this applicant. The internal injuries sustained to her head were serious by which she died. She further pointed out the statements of eye witness who persuaded the said incident of assault. There is prima facie serious case against the applicant that on a simple quarrel they assaulted woman, who was armless and came to intervene in the quarrel. She lastly submitted to reject the application.

5. Perused the charge sheet, particularly the report and statements of witnesses. In the post mortem report, the final opinion as to probable cause of death is given as head injury due to hard and blunt object. It is also case of the prosecution that she fell down. Considering the nature of the crime and facts and circumstances of the case, particularly nature of injuries sustained by Sushila, the applicant is entitled for bail as he has no criminal antecedents. The trial will take a long time, the applicants have roots in the society, he will not flee away from trial, the application therefore, 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. 509 of 2023 registered with Pathardi police station, District Ahmednagar for the offences punishable under Sections 302, 324, 323, 143, 147, 148, 149, 504, 506 of the I.P.C. 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 tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
- b) The applicant shall not enter in village Kirtanwadi, Tq.Pathardi, district Ahmednagar till conclusion of trial.
- c) If it is noticed by the trial court that the applicant has committed breach of any of the above conditions, the trial court is at liberty to cancel the liberty of bail of the applicant, without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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