

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1076 OF 2024

Anil Ashok Suryawanshi

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Chaudhari N. L.

APP for Respondent/State : Mr. S.B. Narwade

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CORAM : S.G. MEHARE, J.

DATED : JULY 11, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.31 of 2024 registered with Mohadi Nagar Police Station, District Dhule for the offence punishable under Sections 302, 307, 323, 504, 506 of the Indian Penal Code.
3. The facts as narrated in the FIR reveals that the applicant had viral the obscene photographs of the wife of the first informant on mobile phone. Therefore, the deceased and few persons went to his home. That time, he was brushing tooth. On seeing them, he flee away and went inside the house and locked the door from inside. The other side persons including the deceased knocked upon the door. The applicant suddenly opened the door and stabbed the deceased.

4. Learned counsel for the applicant submits that since the applicant was assaulted in the first episode, he was frightened and under apprehension of assault with intent to kill him, he hid himself in the house. But the assailants were knocking on the door. Hence, he was frightened and in that apprehension, the incident happened. He never had any intention to kill the person who had no concern with the matter. It was a result of the conduct of the behaviour of the deceased and his associates. The investigation has been completed. Nothing is to be recovered from him. The incident happened at the spur of the moment. Hence, he may be granted bail.

5. Learned APP has strongly opposed the application contending that when the applicant was safe inside the house, he has no reason to use the weapon. He had seen the obscene photographs of the wife of the first informant. They have simply gone to question him. There was a dispute and then the present incident happened. The offence is serious. An innocent has been killed for no reason. Hence, he may not be granted bail.

6. The facts as mentioned above reveal that firstly the deceased and other persons went to his house. As per the case of the applicant, they were armed with lathis and deadly weapons. He was assaulted there. Hence, he fled away and went inside the room and locked it from inside. Thereafter, the deceased knocked on the door and the incident happened. Considering the circumstances, probably

the applicant might have been apprehended and the incident happened. He also suffered the injury. His wife has filed the report against the deceased and his associates. In view of these circumstances, the Court is of the view that the applicant may be released on bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Anil Ashok Suryawanshi, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
 - (a) The applicant shall not tamper with the prosecution witnesses and shall attend the trial on each and every date.
 - (b) The applicant shall not enter his village for four months from the date of his release.

(S.G. MEHARE, J.)