

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1312 OF 2024

Baban Dagdu Chavan

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Jadhav Satej S
APP for Respondent/State : Mr. S.P. Sonpawale

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 20, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.386 of 2023 registered with Bhagyanagar Police Station, District Nanded for the offences punishable under Sections 302 of the Indian Penal Code and Section 4/25 of the Arms Act.
3. The applicant was a blacksmith of a small shop near the Court and police station. When he went away from his shop, he saw an unknown person picked up a sickle. Hence, he chased him. He had scuffle with him and the deceased suffered the injury to femoral artery and died due to profound bleeding.
4. Learned counsel for the applicant would submit that the intention of the applicant can be seen from the crime. The applicant

just chased the deceased to take the stolen sickle back from him and in that scuffle, the deceased suffered injury. The sickle had sharp point. Therefore, the injury was caused to the deceased and he remained lying on the spot. Somebody took him to the hospital and he was declared dead due to profound bleeding. In the circumstances, it is clear that it was just an incident happened in the fit of recovery of stolen sickle.

5. Learned APP has submitted that there are eyewitnesses to the incident. The deceased died of the stab injury to femoral artery. The offence is serious. Hence, he may not be granted bail.

6. Admittedly, the deceased was unknown to the applicant. If the prosecution story is read as it is, it seems that the incident happened in the spur of moment and in the attempt to recover the stolen sickle from the deceased, they had a scuffle. The injuries might have been suffered to the deceased in scuffle. Considering the way of incident and the role attributed to the applicant, the Court is of the view that the applicant deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Baban Dagdu Chavan, 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

(3)

amount in the above crime, on the conditions that he should not tamper with the prosecution witnesses and should attend the trial on each and every date.

(S.G. MEHARE, J.)