



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1320 OF 2024

**RAMJAN KHAN DAULAT KHAN
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent : Mr. S. P. Sonpawale

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**CORAM : S. G. MEHARE, J.
DATE : 09-08-2024**

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant seeks bail in C.R.No.0024 of 2024 with MIDC CIDCO Police Station, Aurangabad, for the offences punishable under Sections 302, 326 and 323 read with Section 34 of the Indian Penal Code.
3. It is case of the prosecution that the applicant with others were assaulted the deceased with stick on the suspicion that deceased stolen his pigeon. The eyewitness narrated the similar history.
4. The learned counsel for the applicant would point out that

the history narrated before the hospital was that the deceased had jumped from auto rickshaw and suffered injuries. The auto-rickshaw driver took the injured in the hospital and history was recorded. The hospital informed the Police Station the same fact about admission of the deceased. He submits that there are two contradictory versions about the incident. The injuries sustained to the deceased were possible due to the vehicular accident. Nothing is to be recovered from the applicant. There are no antecedents to his discredit. Hence, he may be granted bail.

5. The learned A.P.P. for the State has strongly opposed the applicant and submits that incorrect information was given to the Medical Officer while admitting the deceased to the hospital. However, there are eyewitnesses to the incident. They should not be disbelieve at this juncture. For a trifle reason, the applicant assaulted the deceased and caused him to death. The offence is serious. Hence, bail may not be granted.

6. In the first statement, it has been stated before the Medical Officer that the deceased fallen down from running auto rickshaw in front of Chikalthana Police Station. There are two contradictory allegations against the applicant. The material is there that favours the applicant. The applicant deserves bail. Hence, the order :-

ORDER

- i) The application is allowed.
- ii) Applicant – Ramjan Khan Daulat Khan be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He should not tamper with the prosecution witnesses.
 - (b) He should attend the Police Station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE)
JUDGE

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