



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 BAIL APPLICATION NO.1062 OF 2023
WITH
CRIMINAL APPLICATION NO.2601 OF 2023
IN BA/1062/2023

BALAJI MADHAV JAGTAP
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Bhosale Mahesh Kalidas.
APP for Respondent-State : Mr. A. S. Shinde.
Adv. for Complainant to assist APP : Ms. Poonam V. Bodke-Patil.

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CORAM : S. G. MEHARE, J.
DATE : 12.01.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned AGP for the respondent-State and the learned counsel for the complainant.
2. This is a successive bail application in Crime No.63 of 2021, registered with Udgir Rural Police Station, District Latur, for the offences punishable under Sections 302, 307, 341, 323, 143, 147, 148, 149 and 504 of the IPC and Section 4/25 of the Arms Act .
3. Learned counsel for the applicant submits that when the earlier bail application was rejected, a Chemical Analysis report

was not available. Hence, it is a change-in-circumstance. He further argued that the Chemical Analysis report placed on record does not reflect that the weapon allegedly used by the applicant was blood stained. Referring to the role attributed to him, he has argued that he caused the injury to the injured on the wrist only. There are no allegations against him that he caused death of any person. He also submits that the applicant is running 60. Nothing is to be recovered from him. Hence, he may be granted bail.

4. Learned APP and the learned counsel for the complainant have submitted that the applicant has played an active role. It is the case of double murder. When the first informant tried to escape from the assault, the applicant and others chased and assaulted him with deadly weapons. The clothes of the applicant were blood stained. There are no change-in-circumstances. That apart, it was a case of unlawful assembly. The role attributed to the applicant clearly shows that he was the member of unlawful assembly and knowing its object. The charge has been framed. The case is likely to be opened in the near future.

5. Perused the papers. Though the weapon is not shown blood stained in chemical analysis report, the clothes of the

applicant were shown blood stained. There appears substance in the submissions of the learned APP and learned counsel for the complainant that the applicant has played an active role. The way in which, two deaths have been caused clearly reflects the intention of the applicant, who was accompanied with other co-accused. There are direct witnesses to the incident. Since the chemical analysis report reflects the blood stains on the clothes, absence of stain on the weapon allegedly used in the crime cannot be termed as a material substantial change-in-circumstance. That apart, the charges have been framed. The applicant may request and co-operate with the Trial Court to open the trial.

6. For the above reasons, the bail application stands dismissed.

7. Criminal Application No.2601 of 2023 to assist the learned APP stands disposed of.

(S. G. MEHARE, J.)

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vmk/-