



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

BAIL APPLICATION NO. 1367 OF 2023

SAINATH SUBHASRAO INGALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Gajanan G. Kadam
APP for Respondent : Mr. S. M. Ganachari
...

CORAM : S. G. MEHARE, J.

DATE : 26-06-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.536 of 2022 registered with Police Station Nanded (Rural), District Nanded, for the offences punishable under Sections 302, 307, 120B, 542, 294, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code with Sections 4/25 and 4/27 of the Maharashtra Police Act.
3. Learned counsel for the applicant has vehemently argued that none of the accused had intention to kill the deceased. The incident happened in the fit of anger. The prosecution has no material to show that the applicant has inflicted the injuries to the deceased. Mere presence of the accused as seen in C.C.T.V. does not link the accused with the crime alleged against him. The

applicant is a young man having family and children. He is the only breadwinner of his family. Similarly situated co-accused have been granted bail. Trial may take its time. Hence, he may be granted bail.

4. Learned A.P.P. for the State submits that the role attributed to the applicant is specific. He was the instrumental to the incident. The applicant became aggrieved only for non-providing liquor of the brand which he was demanding to the deceased. As the brand of liquor demanded by the applicant was not available, the applicant went and brought co-accused. One of the co-accused committed the murder of the deceased. In the circumstances, the parity would not apply. The applicant does not deserve bail.

5. A strong evidence is available with the prosecution. In the C.C.T.V. the applicant was captured. The cause of quarrel is trivial. However, the accused made his prestige for not giving the brand of liquor. He went away and brought co-accused. One of them inflicted the blows by dagger to the deceased. The conduct of the applicant is to be noted. He seems to be instrumental to the incident. He was a silent spectator. He never stopped the co-accused who was assaulting the deceased with dagger. It was an unlawful assembly. The strong *prima facie* evidence is available against the applicant. Since he is instrumental to the incident, it

would be unsafe to release him on bail. The possibility of tampering with the prosecution witnesses cannot be ruled out.

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

(S. G. MEHARE)
JUDGE

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