



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 BAIL APPLICATION NO. 1649 OF 2024

SANTOSH @ LAXMAN CHANDRAKANT MANE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. D. M. Shinde h/f Mr. Urgunde
Suhas P.

APP for Respondent/s-State : Mr. A. S. Shinde.

...

CORAM : S. G. MEHARE, J.

DATE : 15.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.111 of 2024, registered with Bhada Police Station, District Latur, for the offences punishable under Sections 302, 326, 341, 323, 427, 504, 506, 143, 147, 148, 149 read with Section 34 of the IPC and Section 135 of the Maharashtra Police Act.
3. There was a dispute between the relatives on breaking the field boundary. The applicant was the driver of the JCB. The injured persons came on the spot of the incident and started obstructing them. Therefore, the incident happened. The other accused became aggressive and they started assaulting the injured and deceased with deadly weapons. It

has been alleged against the applicant that he assaulted the injured with stick, also chased them and pelted the stones.

4. The learned counsel for the applicant would submit that the applicant being JCB driver has been falsely implicated in the crime. He has no concern with the alleged incident. All the while he was sitting on the driver seat of the JCB. One of the witness who is introduced as an independent witness was very close to the first informant and deceased. Therefore, his statement has been recorded mechanically. Nothing is to be recovered from the applicant. There are no antecedents to his discredit. Hence, he may be granted bail.

5. Learned APP has strongly opposed the application and he would submit that all the accused had formed unlawful assembly and they had a common object to cause the injury. Since the applicant has played an active role, there are no reason to implicate him falsely. He was not the silent spectator. He has played an active role. He caused injuries to other persons and assisted the co-accused to cause death of one of the family members of the first informant. The offence is serious. Hence, he may not be granted bail.

6. Perused the papers. Even if the role attributed to the applicant is considered at it is, there are no allegations against

him that he assaulted the deceased. There seems to be a fight. No weapon is recovered from him. There are no antecedents to his discredit. The investigation against him has been completed. The trial may take its time. Therefore, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SANTOSH @ LAXMAN CHANDRAKANT MANE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should attend the trial on each and every effective date.

(S. G. MEHARE, J.)

...

vmk/-