

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1660 OF 2024

Sandip Ramnath Mahankale

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Surse Sunil B

APP for Respondent/State : Mr. A.A.A. Khan

Advocate for Informant/Victim : Mr. Chormal Ajit B. (through V.C.)

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CORAM : S.G. MEHARE, J.

DATED : OCTOBER 08, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The applicant seeks bail in Crime No.78 of 2024 registered with Shillegaon Police Station, Taluka Vaijapur, District Aurangabad for the offence punishable under Section 302 of the Indian Penal Code.
3. Most of the facts of the case are admitted. The wife of the applicant and deceased had illicit relationship known to the villagers. The applicant had scolded his wife many times and they had separations. However, the applicant had fetched her back. Even thereafter, their relationship continued. On the day of the incident, the applicant and his wife were working in the field. At that time, the deceased reached there as her husband went to deliver sugarcane.

When he returned, he saw them doing sex and thereafter, the quarrel took place. The applicant assaulted the deceased with a stick and he died of hemorrhage due to internal injuries. After the incident, the applicant and his wife flee away out of the fear of the assault by the villagers and the relatives of the deceased. Thereafter, the applicant was apprehended. His wife is the eyewitness to the incident.

4. The learned counsel for the applicant would submit that the incident happened in a fit of anger. His reaction was natural. The deceased was in illicit relationship with his wife. It created a mess in his family life. After catching the deceased and his wife in compromising condition, he lost his temperament. Therefore, in the fit of anger, he gave a single blow on his head and he died. So, it cannot be said that it was an intentional act. The investigation has been completed. Nothing is to be recovered from the applicant. He has no antecedents to his discredit. Hence, he may be granted bail.

5. The learned APP and counsel for the victim have vehemently argued that the applicant has overacted and assaulted the deceased on his head. The nature of injuries as reflected in the post-mortem report and the cause of death is sufficient to gather the intention of the applicant. Therefore, it cannot be said that it was an incident happened in the fit of anger. It was not the case that the applicant was not knowing the illicit relationship of the wife with the deceased. But, he encashed the situation and murdered the deceased.

The offence is serious. There is a great apprehension of tampering with the prosecution witnesses. The weapon used in the crime was also produced before the medical officer for verification whether the injury caused to the deceased was possible by such a weapon. Hence, he may not be granted bail.

6. The facts of the case itself speaks a lot. The wife of the applicant had illicit relationship with the deceased which was publicly known. Though there was a family discord, he went to fetch her back. It shows his conduct. The reaction of the applicant after looking the illicit relationship of his wife with the deceased, was quite natural. In this situation, the possibility of losing temperament cannot be ruled out. Whether the applicant had intention to kill, is a matter of appreciation of evidence. Nothing is to be recovered from him. However, the apprehension of the prosecution can be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Sandip Ramnath Mahankale, 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 amount in the above crime, on the conditions that ;
 - (a) The applicant should not tamper with the prosecution witnesses.

(4)

(b) The applicant should not contact his wife, who is presently residing with her parents till the trial is concluded.

(c) The applicant should furnish his residential proof along with cell phone number to the Court as well as to the police station with an undertaking that he would not change it till the trial is concluded.

(S.G. MEHARE, J.)