



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

33 BAIL APPLICATION NO. 1793 OF 2024

VAIBHAV ATUL UGALE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. D.S. Ingole h/f Mr. Ghanekar N.S.
APP for Respondent-State : Mr. A. S. Shinde.

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CORAM : S. G. MEHARE, J.

DATE : 21.10.2024

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.192 of 2024, registered with Satara Police Station, District Aurangabad, for the offences punishable under Sections 302, 143, 147, 148, 149, 323, 504, 225 read with 34 of the IPC.
3. The prosecution case in brief is that the applicant with other co-accused had been to the place of incident. They went there to pacify the quarrel along with the deceased. In that quarrel, the applicant slapped the deceased. However, after assault to the deceased by co-accused Vishal, the deceased was taken to the hospital. The applicant also went to hospital.

4. Learned counsel for the applicant submits that the applicant had no intention to kill the deceased. He along with other persons went there to pacify the quarrel. However, one of the co-accused Vishal turn aggressive and stabbed the deceased. His post incident conduct is important. He did not flee away from the spot. However, he went to the hospital to admit the deceased. He did not use any weapon. Hence, he may be granted bail.

5. Learned APP would submit that the applicant was the instrumental to take the deceased to spot of incident. So, it cannot be said that he was not the party to the crime. He also slapped the deceased. Therefore, his defence that he went there to sort out the dispute between the deceased and the assailant could not be believed. Hence, he may not be granted bail.

6. Perused the papers. One of the eye witnesses has specifically narrated the role attributed to the applicant. He did not assault the deceased with deadly weapon. The eye witness to the incident had also been there to pacify the quarrel and the applicant was with them. Considering the role attributed to the applicant and his post incident conduct, it became a matter of evidence whether he had intention to kill the deceased with

common intention. Nothing is to be interrogated from him.

Therefore, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **VAIBHAV ATUL UGALE** 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.)

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vmk/-