



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

BAIL APPLICATION NO. 1832 OF 2024

RANJEET GULAB BIRAJDAR  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicant : Mr. P. P. More  
APP for Respondent : Mr. G. O. Wattamwar  
...

**CORAM : S. G. MEHARE, J.**

**DATE : 24-10-2024**

**PER COURT :-**

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.
2. The applicant seeks bail in C.R.No.150 of 2024 registered with Killari Police Station, District Latur, for the offences punishable under Section 307, 336, 504 and 506 read with Section 34 of the Indian Penal Code.
3. The prosecution case in brief was that the incident happened on 08.04.2024. There were two eyewitnesses to the incident. Eyewitness Dashrath has stated that he along with deceased and other friends went to the hotel for dinner. The applicant and the other accused had raised the quarrel with them for parking the car. All accused were beating Swapnil Kadam. The applicant pushed him. However, villagers separated their dispute. Then accused went to a puncture repairing shop and started pelting stones on

them. Applicant- Ranjit and other co-accused caughthold the deceased and another accused Nivrutti Birajdar hit a stone on the head of deceased Swapnil.

4. The learned counsel for the applicant has vehemently argued that the applicant is not the assailant. The allegations levelled against him are false. He is languishing in jail for sufficient time. The chargesheet has been filed. He has no antecedents to his discredit. He did not use the weapon. He is a young boy of 26 years old. He has the responsibility of his parents. The incident appears happened at the spur of moment. Therefore, intention was missing. He also argued that one of the co-accused Yogesh Shinde has been enlarged on bail. He has a little bit similar role attributed to the applicant. Hence, parity may be extended.

5. The learned A.P.P. has strongly opposed the application. He argued that the applicant has played an active role before actual incident happened, he was pelting stone and beat the deceased. Had the applicant and another co-accused not held his hands, the incident would not have happened. They facilitated the co-accused to commit the murder. If the applicant had no facilitated the co-accused, the deceased might have been survived. He is as good as the assailant. The deceased had lost the life for no reason. It was a public place. The accused had no reason to oppose for parking of the car. Therefore, he should not be granted bail.

6. The role attributed to the co-accused Yogesh appear not

identical to the role of the applicant. He was not named in the first information report. Under this premise, the trial Court has been granted bail.

7. The eyewitnesses have specifically stated that the applicant and other co-accused caughthold the hand of the deceased and facilitated the third accused to assault with stone. The supplementary statement as referred to by the learned counsel for the applicant do point out that the allegations of assault were omnibus and could not be considered because he did not exonerate from his role. The facilitators are equally responsible for the crime. The applicant appears to have been played active role in committing the crime. The offence is serious. The charges are framed. Hence, the applicant does not deserve bail.

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

**( S. G. MEHARE )**  
**JUDGE**

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