



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 BAIL APPLICATION NO. 2257 OF 2023

Shankar Dagaduba Patange

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. More P. P.
APP for Respondent/State : Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 3rd JANUARY, 2024.

PER COURT :-

1. This is an application for grant of bail in connection with crime No.0331 of 2023 registered with Partur Police Station, Dist. Jalna, for the offences punishable under sections 307, 326 read with 34 of the Indian Penal Code.
2. It is alleged that the applicant and other accused assaulted deceased Krushna, son of informant, who later on died. It is alleged that the applicant is assaulted deceased Krushna by stick and other accused assaulted by an axe, sickle and wooden log like article.
3. The learned advocate for the applicant pointed out the statement of independent witness (page 196) – Ramrao Mujmule in which it is mentioned that Pavan Rokade and Pandurang Rokade brother-in-laws of deceased Krushna assaulted him by fiber rod. He

sustained injury to his head and fell down. That time, Pavan and Pandurang assaulted Krushna and then they ran away from that spot. He further pointed out statements of other witnesses particularly Radha wife of deceased Krushna. She also stated that Pavan and Pandurang assaulted her husband by fiber rods and her father was assaulting him by sickle. The learned advocate for the applicant pointed out that this witness has not stated that the applicant assaulted her husband Krushna. The learned advocate for the applicant further pointed out the call details particularly at page 168 in which tower location shows that the applicant was present at village Amba, Tq.Partur on the day of incident i.e. on 8th August, 2020 from 12:37:58 to 16:06:13. The learned advocate for the applicant further pointed out the receipt of the seized articles submitted along with the charge-sheet (page 101) wherein two fiber rods are only shown as seized.

4. The learned advocate for the applicant submitted that the applicant is falsely implicated in the crime only because he tried to compromise the matter. He lastly submitted to grant bail to the applicant as there is no prima facie evidence against him.

5. The learned APP for the State strongly opposed the application. She pointed out that role of the applicant is specifically spelled out in the report. Injured sustained head injuries and died later on. The distance between the spot of incident and village Amba

is only 5 kms. She submitted to reject the application.

6. Perused the charge-sheet. The statement of independent witness Ramrao Mujmule does not show the name of the applicant and his role also. On the contrary, his statement shows that Pavan and Pandurang, the brother-in-laws of deceased Krushna assaulted him by fiber rods and they said that Krushna is dead and they left that place. This witness has not stated that the applicant assaulted Krushna by stick as alleged in the FIR by the informant and other witnesses. Further at the time of alleged incident, the applicant was at village Amba as per the call details at Exhibit-168. If all these circumstances are considered together then it leads to inference that there is no prima facie evidence against the applicant about the alleged assault and involvement in this crime. The alleged incident took place on 08.08.2023 and Krushna died on 11.08.2023. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence the following order :-

O R D E R

- I. Application is allowed.
- II. The applicant crime No.0331 of 2023 registered with Partur Police Station, Dist. Jalna, for the offences punishable under sections 307, 326 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.15,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the witnesses and tamper with the prosecution evidence in any manner.
- III. Application is disposed of.

(SANJAY A. DESHMUKH, J.)

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