



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.2339 OF 2023**

SWAPNIL SUKHADEO JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Mr. S. S. Jadhav, Advocate for the Applicant.
Mr. V. M. Jaware, APP for Respondent-State.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON :- 12th FEBRUARY 2024.

PRONOUNCED ON :- 16th FEBRUARY 2024.

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.189 of 2022 registered with Harsool Police Station, District Aurangabad for the offences punishable under Sections 114, 302, 307, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. This is successive bail application filed by the applicant. His Bail Application No.1048/2023 was disposed of by this Court with liberty to move afresh, in case trial is not progressed within a period of six weeks. After expiry of aforesaid period, the applicant had filed fresh application before Sessions Court. However, it came to be rejected vide order dated 08.12.2023. Hence, this application.

3. On information given by Vikas Avsarmal, the investigation was set in motion. In nutshell it is alleged that while informant was standing at Kabir Pan Center and asking the refund of Rs.1500/- from Manoj Bankar, the accused/applicant and others abused him. The applicant Swapnil took out knife and stabbed one Ravi Kumbhare. One Pranil Vanjari, who attempted to pacify quarrel was also stabbed by the applicant Swapnil. Consequently, Ravi Kumbhare lost his life and Pranil Vanjari suffered grievous injury. The applicant has been

arrested in pursuance of the aforesaid crime on 03.10.2022. On completion of investigation, charge-sheet has been filed. Now the Sessions case is pending for trial.

4. Mr. Jadhav, learned Advocate appearing for the applicant would submit that the applicant has been falsely implicated in aforesaid crime. The applicant had no grudge against the informant or even the victims. There was no intention to kill. Applicant has been falsely implicated only because he is friend of accused Manoj. The injured Ravi Kumbhare died after four days of the incident. Looking to the nature of the inception of the crime, no intention to kill can be gathered. The co-accused Akash is already released on bail. The seized articles i.e. shirt of accused Akash shows blood stains, although applicant is alleged to be assailant no such blood stains were located on the his seized cloaths. The trial is likely to take its own course. Till this date, it is pending for receipt of 'Muddemal'. Even on the point of parity the applicant needs to be released on bail.

5. The learned APP however strongly opposes the prayer. He would point out that as many as seven previous offenses are at discredit the applicant and he is hardened criminal.

6. Having considered submissions advanced and looking to the evidence available on record, it can be gathered that the incident is recorded in CCTV. There are eye witness to the incident who stipulates role of applicant to be main assailant. There is recovery of incriminating articles from the applicant. Looking to the criminal antecedents, the release of the applicant may hamper smooth trial. The material on record indicates that the blow of knife by the applicant was fatal. Although, it is argued on behalf of the applicant that he had no intention to kill, the conduct of the applicant shows that he is a

hardened criminal and has no control over his own actions. In this background, no case is made out for grant of bail.

7. Hence, application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/February-2024