



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

BAIL APPLICATION NO. 1534 OF 2024

SHAHADEV KARBHARI SANAP
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sandip R. Andhale
APP for Respondents : Mr. A. A. Khan

...
WITH
CRIMINAL APPLICATION NO. 3729 OF 2024
IN BA/1534/2024

ARJUN PARASRAM AVHAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for applicant/victim : Mr. R. S. Sadaphule
...

CORAM : S. G. MEHARE, J.

DATE : 20-09-2024

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondents and the learned counsel for the victim.
2. The applicant seeks bail in C.R.No.I-295 of 2024 registered with Police Station Sonai, Taluka Newasa, District Ahmednagar, for the offences punishable under Sections 109, 115(2), 352, 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. The prosecution has a case that on the day of the incident, the deceased was taking the petrol from motorbike out, that time

the applicant and the co-accused went to him and raised the quarrel with him as they had hot exchange of words eight days before on the dispute of partition by step maternal Aunt of the applicant. They started beating the deceased by kicks and blows. In that course, petrol from bottle had fallen on his person. The co-accused ablaze set him to fire with matchstick and fled away.

4. The learned counsel for the applicant submits that the applicant has been falsely implicated in the crime since there was a dispute about the property. He is resident of same locality. He did not cause the death to the deceased. The role as alleged by the deceased in the first information report is not more than abusing. He was searching for legal assistance. Lastly, he was arrested. No weapon has been used in the crime. The first information report itself shows the cause of the death of the deceased. There are no antecedents to his discredit. Hence, he may be granted bail.

5. The learned counsel for the victim has vehemently argued that the applicant is the instrumental of the incident and since he and co-accused beat the deceased and petrol fallen on his person. The applicant was absconding for a long time. Therefore, there is no possibility of facing trial and he may abscond. The applicant and the injured are residing in the same locality in front of each other's house. The offence is serious. The deceased died of 80% burn injuries. Therefore, he does not deserve bail.

6. Perused the papers.

7. The allegations against the applicant were that he and co-accused beat the deceased and in that course the petrol fallen on his person. So far as the allegations against the applicant is concerned, except beating by kicks and blows, there are no other allegations against him. The deceased did not die immediately. The applicant has roots in his village. There are no allegations of using a weapon at his instance.

8. Though the learned counsel for the victim argued that it is the applicant due to whose acts the petrol was fallen on the person of the deceased and incident happened, it is a matter of appreciation of evidence. The injured is now dead had lodged the first information report. The first information report is turned into statement as to cause of death. In the facts and circumstances of the case, the Court is of the view that the detention of the applicant in the jail would serve no purpose. However, the apprehension of tampering with the prosecution witnesses, particularly, 14 years of old daughter of deceased may be guarded by certain stringent conditions. Hence, the order:-

ORDER

- i) The application is allowed.
- ii) Applicant – Sahadev Karbhari Sanap be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety

of the like amount, in the above crime for the aforesaid offences, on the conditions that;

- (i) He should not tamper with the prosecution witnesses;
 - (ii) He should attend the Police Station as and when called on written notice by the Investigating Officer, till filing the chargesheet.
 - (iii) He should not enter the village Mahalaxmi Hivare, Taluka Newasa, District Ahmednagar, for six months from the date of his release.
- iii) Criminal Application No.3729 of 2024 stands disposed of.

(S. G. MEHARE)
JUDGE

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