



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

935 BAIL APPLICATION NO. 1662 OF 2024

PANKAJ ANKUSH MORE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Ms.Jakhade Rutuja L.
APP for Respondent- State : Mr. S.P. Sonpawale

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

DATE : 3rd October, 2024.

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State.
2. The applicant seeks bail in Crime No.129 of 2024 registered with Sakri Police Station, Dist. Dhule, for the offence punishable under section 302 of the Indian Penal Code.
3. As per FIR, the incident happened on 30.03.2024 in the market of village Mhasdi. It has been alleged against the applicant that when the deceased was in the market, the applicant bet him. The deceased went to his home. On that day, he was admitted to rural hospital at Sakri for treatment at around 12 `O' clock. Thereafter, he was referred to Hire Medical College, Dhule. So he was shifted there on the same night. On the next day, he was taken to his village. On 01.04.2024, the deceased was again suffering pains. So he was taken to the local doctor. He again advised to take him to Hire Medical College. He was admitted there. However, during the course of treatment, he died on

03.04.2024 at 3.10 a.m. In an FIR, the deceased had told the first informant, his son-in-law that the applicant assaulted him.

4. The learned counsel for the applicant would submit that the prosecution has not filed complete documents. What was the first statement made to the doctor at rural hospital, Sakri about the injury sustained to the applicant is not filed with record or not supplied to the applicant. The prosecution had no case that during the treatment, the deceased was unconscious and not in a position to give the statement as to the injury and its author. Initially, the A.D. was registered and then on the same day i.e. on 04.04.2024, the first informant came up and lodged the report against the applicant. She would submit that the material facts of disclosing the incident to the Medical officer has been suppressed. The applicant has been arraigned as accused only because of earlier quarrel with the son of the deceased. Except the so called wooden log nothing is recovered from the applicant. He has been made a scapegoat on concocted evidence. He is 26 years. Charge-sheet has been filed. Hence, the applicant deserve bail.

5. The learned APP has strongly opposed the application. He would submit that the last statement of deceased of injury was given to the son-in-law. At this juncture, he can not be disbelieved. Offence is serious. There were quarrels between the applicant and deceased family before this incident. Hence, to revenge, the applicant killed the deceased by assaulting in the market. However, he was unable to

explain why the medical papers from the Rural Hospital, Sakri and another hospital narrating the incident to the medical Officer are missing from the charge-sheet.

6. Discussion of the above facts reveal that initially, the A.D. was registered and on the same day the FIR was lodged. There is no evidence on record to satisfy the Court that his son-in-law narrated the first statement to the Medical Officer about the injuries to deceased at the hands of the applicant. There appears substance in the contention of learned counsel for the applicant that the missing such evidence creates a doubt about the incident. The applicant is languishing in jail since 04.04.2024. Nothing is to be recovered from him. Hence, he deserves bail. Hence, the order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Pankaj Ankush More be released on bail in Crime No.129 of 2024 registered with Sakri Police Station, Dist. Dhule, for the offence punishable under section 302 of the Indian Penal Code 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) He should not tamper with the prosecution witnesses.
 - (b) He should not threat any of the family members of the deceased, till the trial is concluded.

(S.G. MEHARE, J.)