

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.3245 OF 2023

Ashok Jamnaya Bhosale

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr. Rahul K. Dhaigude a/w Mr. Dipak Y. Jadhav, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th APRIL, 2024

P.C. :

1. The Applicant is seeking his bail in connection with C.R.No.214/2020, dated 05/07/2020, registered with Koregaon Police Station, Satara, under sections 302, 143, 147, 148, 149 of the Indian Penal Code.
2. Heard Mr. Rahul K. Dhaigude, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.
3. The FIR is lodged by one Kajya Kale. He has stated that on 05/07/2020, the present Applicant and the co-accused

Darya, Parivar, Sachya, Samir, Gabbar, Akshya, Shejya, Atyachar, Atikraman and Nana came near him. They questioned the informant's son as to why he was supplying information to police about the thefts committed by these accused. He was assaulted by stick. The specific allegations against the present Applicant is that accused Atyachar and Atikraman held Vijay from behind and the Applicant stabbed Vijay on his left thigh. Vijay ran away from there and he started running towards the opposite direction, but he fell down. He had suffered bleeding injury. He was taken to Government Hospital at Koregaon. He was declared dead on examination. On this basis, the FIR is registered.

4. Learned counsel for the Applicant submitted that the co-accused Atikraman and Sachin are granted bail vide the order dated 16/02/2021 passed by this Court in Bail Application No.188 of 2021.

5. The Applicant is in custody since 06/01/2023. The offence will not fall u/s 302 of the Indian Penal Code. There was

no intention to commit murder. The Applicant could not have had knowledge that causing such injury would lead to death of the deceased. The Applicant was having a deadly weapon and yet the stab wound was inflicted on the thigh and not on the chest or stomach. Only one stab was inflicted. No attempts were made to give blows on other vital parts, though the Applicant had opportunity. He further submitted that the Applicant had suffered an accident in the year 2022 and it was necessary to insert a rod in his leg to support his movements. The Applicant was unable to walk freely and even stand up. On the merits and on humanitarian grounds, the Applicant deserves to be released on bail.

6. Learned APP opposed these submissions. According to her, the death of the deceased was directly attributed to the stab wound inflicted by the Applicant. There are eyewitnesses to the incident and therefore, bail should not be granted to him.

7. I have considered these submissions. The post-mortem notes show that the deceased had suffered one incised wound on

the left thigh of the size 4 cm x 3 cm x 6 cm and the cause of death was 'Hypovolumic shock with stab injury'. There are no other injuries on the body. There are statements of the eyewitnesses viz. Kajya Kale, Ashwini Kale, Datta Kale and Mahesh Kale. All of them have stated and narrated the incident in the manner as is described in the FIR. There is force in the submissions of the learned counsel for the Applicant that the Applicant had neither intention nor knowledge that the said stab wound on the thigh would result in the death of the deceased. Though the Applicant had ample opportunity to inflict more blows on the vital parts, no further blows were given. The Applicant had met with an accident and had to undergo surgery for fixing rod in his leg. Considering this, the Applicant's custody pending trial is not necessary. He can be released on bail.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No.214/2020, dated 05/07/2020, registered with Koregaon Police

Station, Satara, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall report to the nearest police station once every fortnight for a period of one year from today.
- (iii) The Applicant shall attend all the dates before the Trial Court.
- (iv) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)