

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

BAIL APPLICATION NO. 669 OF 2024

Dhanaji Madhukar Sonawane

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Ranjeet M. Pawar & Mr. Saurabh Desai, Advocates, for the Applicant

Mr. Shriram Chaudhari, APP, for the Respondent – State

Mr. A. D. Pataskar, P.C.B.No. 2174, Baramati Taluka Police Station

CORAM: MADHAV J. JAMDAR, J.

DATE: 16.02.2024

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1. Heard Mr. Pawar, learned Counsel appearing for the Applicant and Mr. Chaudhari, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	410 of 2023
2.	Date of Registration of F.I.R.	07.07.2023
3.	Name of Police Station	Baramati Taluka Police Station, Pune
4.	Sections invoked	302, 323, 504 & 506 of the IPC, 1860
5.	Date of Incident	06.07.2023
6.	Date of Arrest	08.07.2023

7.	Date of filing of Charge-sheet	25.10.2023
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3. As per the prosecution case, the deceased is the brother-in-law of the Applicant. One Ms. Usha is the wife of the deceased. Ms. Usha and Ms. Reshma are siblings and they have married two brothers namely Mr. Rajendra (Deceased) and Mr. Kishor respectively. There used to be quarrel amongst the mother-in-law and the two sisters. The deceased was a habitual alcoholic. On 06.07.2023, when the incident took place, Mr. Rajendra came from outside. He was under the influence of alcohol. Mr. Rajendra under the influence of alcohol was assaulting Ms. Usha and he called the Applicant by making a phone call. The Applicant came there and a sudden fight took place between them in which the deceased assaulted the Applicant with a brick and the Applicant also assaulted the deceased with a big stone. Both of them were seriously injured in the incident. However, the deceased succumbed to the injuries.

4. It is submitted by Mr. Pawar, learned Counsel appearing for the Applicant that the incident in question has taken place without any intention, preparation or motive and the same has taken place in the heat of the moment. He submitted that the Applicant is married and has one child. He submitted that the

Applicant is the only earning member in his family.

5. On the other hand, Mr. Chaudhari, learned APP appearing for the Respondent - State vehemently opposed the Bail Application. He submitted that there are several eye-witnesses to the incident. The Applicant has mercilessly assaulted the deceased.

6. A perusal of the record shows that the incident in question has taken place on 06.07.2023. FIR has been registered on 07.07.2023. The Applicant has been arrested on 08.07.2023. Charge-sheet has been filed on 25.10.2023.

7. Prima facie, the factual position on record shows that the alleged incident has taken place in a spur of the moment. In fact, first, the deceased has assaulted the Applicant. Thereafter, the Applicant assaulted the deceased with a stone.

8. There are no antecedents.

9. The trial is likely to take a considerably long time.

10. Mr. Pawar, learned Counsel appearing for the Applicant states that as several witnesses are residing in Taluka - Baramati, District- Pune, the Applicant will reside at the residence of Mr. Dhanraj Shrimant Kamble, Mahatma Phule Housing Society, Building No. E 21, Room No. 304, Nigdi, District - Pune

11. The Applicant does not appear to be at risk of flight.
12. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant- Dhanaji Madhukar Sonawane be released on bail in connection with C. R. No. 410 of 2023 registered with the Baramati Taluka Police Station, District- Pune on his furnishing P. R. Bond of Rs. 25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter Taluka - Baramati, Pune - District after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Pimpri Police Station, District - Pune once a month, on first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Pimpri Police Station, District- Pune to communicate details thereof to the Investigating Officer.
- (e) The Applicant shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]