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

BAIL APPLICATION NO.3880 OF 2022

RAMESH BHAGWAN MANE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Swaraj Jadhav for the applicant.

Mr. S. V. Walve, APP for the State.

Mr. Mahesh Sanjay Mane, Police Constable, Barshi City
Police Station, Solapur Rural.

CORAM : M. S. KARNIK, J.

DATE : MARCH 5, 2024

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 143, 147, 148, 302, 324, 323,
212, 216, 504, 506, 149 of the Indian Penal Code
(hereafter 'IPC' for short) and under Sections 4 and 25 of
Arms Act registered on 29.10.2018 vide C.R. No.590 of
2018 with Barshi City Police Station.

3. This is an incident of road rage. There are in all eleven
accused. The applicant is the accused No.6. The FIR is

dated 28.10.2018. At around 6.30 p.m. the complainant's brother – Ankul, who was travelling on his scooter had a quarrel with some members from the side of the accused. The accused, eleven in number who were annoyed with Ankul traced him at around 8.00 p.m. Ankul was with his minor daughter. The accused assaulted Ankul Chavan with iron rod, sickle, fist and kick blows. So far as the present applicant is concerned, it is alleged that he assaulted the Ankul with an iron rod on his head, forehead, chin and back.

4. The applicant was arrested on 18.03.2021. It is submitted by learned counsel for the applicant that though the prosecution contends that the applicant was absconding for more than two years and six months, such is not the case as the applicant was always present at Barshi. To support this contention my attention is invited to the agreement the applicant had with Maharashtra State Electricity Distribution Company Limited which at page 188 of the paper-book. It is submitted that the spot panchanama does not mention about any blood stains on the iron rod and iron pipe. The Chemical Analyser's report

however mentions that the iron rod and iron pipe are stained with blood. It is submitted that Chemical Analyser's report is not in consonance with the spot panchanama. It is submitted that there are no corresponding injuries found in the post-mortem notes as attributed to the applicant by the eyewitness. It is submitted by learned counsel for the applicant that the deceased was drunk and one of the accused has assaulted the deceased with a stone on his stomach which is the cause of death.

5. I have perused the FIR which is an eyewitness account attributing specific role to the applicant. The assault was by an iron rod on the vital parts of the body. The post-mortem notes reveal the injuries on the vital parts supporting the eyewitnesses account. The cause of death is due to injury to vital organ-brain that is head injury and aspirations (sic) in both lungs.

6. Though there is no recovery from the applicant, however, going by an eyewitness account and the materials on record which prima facie indicate the active role of the applicant in the brutal assault, I am not inclined to enlarge

the applicant on bail.

7. It is submitted that the co-accused – Suraj Prakash Mane who is alleged to have assaulted the deceased with a sickle has been enlarged on bail. However, I find that the assault by the sickle was not on the vital part of the deceased.

8. The application is rejected.

(M. S. KARNIK, J.)