



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

BAIL APPLICATION NO. 76 OF 2025

Sagar S/o Vikram Kesbhat (Patil)
Age : 23 years, Occu.: Labour,
R/o. Gurudattanagar, Galli No.2,
Near Maruti Temple, Garkheda Area,
Tq. & Dist.Chh.Sambhajinagar (Aurangabad)Applicant

Versus

The State of MaharashtraRespondent

.....
Advocate for Applicant : Mr.Balraj Prakash Pande
APP for Respondent : Ms.Vaishali S.Chaudhari
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24 FEBRUARY, 2025

PRONOUNCED ON : 25 FEBRUARY, 2025

ORDER :

1. Applicant has preferred instant regular bail application on account of his arrest in crime no.0411 of 2023 registered at Pundlik Nagar Police Station, Aurangabad for offence under Sections 302, 324, 143, 148, 149, 323, 34 and under Section 135 of the Maharashtra Police Act.
2. Learned counsel pointed out that applicant is arrested in above

crime on 07-11-2023. That, role attributed to applicant is sitting on the body and inflicting knife blow. That, it is apparently single blow. Thus, there was no intention, as according to learned counsel, had there been intention to kill, then there would have been several blows. That, applicant is behind bars since more than one year. That, he has no criminal antecedents and he is ready to abide by any condition imposed by this Court. For above reasons, learned counsel prays for grant of bail.

3. Learned APP opposed application on the ground that there is direct evidence. That, there is brutal murder. That, there is use of deadly weapon. That, there is recovery of weapon at the instance of applicant and there is direct eye witness account, more particularly of a witness, who was in the company of deceased. He further pointed out that the matter is already committed and it is awaiting Muddemal and as such, there are every chances of matter going for trial itself. Therefore, in view of serious crime being committed, learned APP strongly opposed application.

4. Heard. Perused the papers. FIR dated 07-11-2023 is at the instance of one Pooja Maruti Raut, who has reported that her son

Ganesh received a call from Preeti Rahul Mule and so he went to her house in Gurudatta Nagar. She claims that shortly there after, she heard commotion and thereafter, she went there and claims to have seen beating going on. When she went close to the scene of occurrence, she claims that Sagar Vikram Kasebhat Patil, Amruta Kamlakar Dixit, her brother Nilesh Kamlakar Dixt, her mother Girija Kamlakar Dixit and another and two unknown persons came with Sagar, in the backdrop of previous quarrel, were giving kick and fist blows and wood stick blows to Ganesh. She further reported that friend of Ganesh namely Deepak Pawar tried to intervene and separate, but he was also assaulted. That, when her son Ganesh had fallen on the ground, it is alleged that present applicant Sagar stabbed Ganesh in the chest and on above report, crime has been registered at Pundlik Nagar Police Station.

Though mother of Ganesh has lodged report, crucial witness seems to be friend of Ganesh namely Deepak Pawar and his statement has recorded by Police and he has narrated sequence of events, which took place on 06-11-2023. He has stated that when he, Ganesh and one Ram went at the spot, he had seen Amruta, her brother Nilesh, her mother Girija and Amruta's lover Sagar Patil, Shubham Rathod, Ganesh Jadhav were quarreling with Preeti and

Rahul. He stated about Amruta threatening to Ganesh that his topic will be completed today. When Ganesh told that he has come to resolved dispute, that time, Amruta slapped Ganesh followed by kick and fist blows by Nilesh as a result of which Ganesh fell down. He states that thereafter, Amruta, her brother Nilesh, her mother Girija, showered kick and fist blows. He further stated that Ganesh Raut and Shubham Rathod caught hold of deceased Ganesh after which he become immobile and thereafter, when this witness pleaded to spare Ganesh and not to fight, it is alleged that Amruta and her mother Girija told Sagar to finish him off, upon which, Sagar took out knife, his maternal uncle Ganesh Jadhav and Shubham Rathod firmly caught hold of deceased Ganesh, whereas Amruta, her brother Nilesh and her mother Girija caught Ganesh by his legs, after which Sagar sat on chest of Ganesh stabbed him in the chest.

Therefore, here is direct eye witness account. Post mortem report shows that deceased had suffered death due to "Shock and hemorrhage due to stab injury over chest". Though, applicant is arrested in November 2023, learned APP has already placed on record Case Status, which shows that matter is awaiting Muddemal and as such, there are bright chances of trial commencing soon.

5. Considering the above material, this Court is not inclined to grant relief at this stage. Hence, the following order :

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE

SPT