



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 300 OF 2025

Sandeep Kailas Sonawane,]
Age : 32 years, Occu. : Shopkeeper,]
R/o. Nandra (Bk.),]
Tq. & Dist. Jalgaon.] ... Applicant

Versus

1. The State of Maharashtra]
2. The Superintendent of Police,]
Jalgaon, Dist. Jalgaon.] ... Respondents

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Mr. V. R. Dhorde, Advocate for the Applicant.
Mr. P. K. Lakhotiya, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 20.03.2025

Pronounced on : 21.03.2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in Crime No.0039 of 2024 registered at Jalgaon Taluka Police Station, Dist. Jalgaon for offence punishable under sections 302, 326, 323, 504, 506 r/w section 34 of Indian Penal Code.

2. Pointing to the date of arrest as 14.02.2024, it is submitted that, initial occurrence which was of 13.02.2024 was of

fallout of quarrel in the backdrop of some money due towards deceased. That, incident has taken place all of a sudden. Learned counsel submitted that, there are allegations of assault by iron rod and on report, crime was also registered for offence punishable under sections 326, 323, 504, 506 r/w section 34 IPC. However, after injured died on 16.02.2024, offence came to be converted into under section 302 IPC. Learned counsel points out that, it is doubtful whether informant father is an eye witness to the occurrence. In support of such contention, he took this court through the FIR and the sequence of events. He further submitted that, it is also doubtful whether even wife and nephew can be said to be eye witnesses. Learned counsel pointed out that, in medical papers history reported is of assault by unknown persons. It is further submitted that, now, investigation is over. That, charge-sheet is already filed in April 2024 and therefore when no purpose would be served by further detention and as trial would take long time to commence and conclude, learned counsel seeks relief of regular bail.

3. Learned APP opposed on the ground that, there is direct eye witness. That, informant himself has seen the quarrel followed by assault. That, other eye witnesses around have also given statements. According to learned APP, there are 14 injuries and the blow on head

turned out to be fatal. He further submitted that, there is recovery of rod at the instance of applicant. Therefore pointing to the cause of death, learned APP also pointed out that case is already committed and charge is already framed and thus according to him, there are bright chances of trial coming to an end in near future itself.

4. Heard. Perused the papers. FIR dated 13.02.2024 is at the instance of one Bhagirath Sonawane, who reported that, at around 3:00 p.m., he seen crowd near the pan stall of applicant, he went there and saw quarrel going between his son and applicant. Applicant was demanding dues and his son said that he would repay it when funds are arranged. He reported that, at that time, present applicant abused his son, went to his pan shop and returned with iron rod and gave blow on the head. Father and uncle of applicant gave kicks and fist blows while issuing threats to kill.

5. On above report, crime has been registered. True it is that, initially crime was registered for offence under sections 326 and 323 of IPC, but when injured succumbed on 16.02.2024, crime was escalated to section 302 of IPC. Column no.17 of post mortem report shows multiple injuries and cause of death is shown to be head injury. There are allegations of assault by iron rod. Chronology of events

shows that after abuse applicant went to the shop and returned with iron rod and then put it to use. Now, though investigation is over and charge sheet is filed, taking the statement of learned APP into account that charge is already framed, indeed, there are better prospects of trial itself coming to an end in near future. Resultantly, taking the above discussion into consideration, this court is not inclined to grant bail.

6. The application stands rejected.

[ABHAY S. WAGHWASE, J.]