



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 315 OF 2025

Shantwan s/o Dagadu Sonawane
Age 60 years, Occupation Agriculture,
R/o Gadhepimpalgaon, Taluka Vaijapur,
District Aurangabad. ... Applicant

Versus

The State of Maharashtra ... Respondent

WITH
CRIMINAL APPLICATION NO. 952 OF 2025
IN
BAIL APPLICATION NO. 315 OF 2025

Balu s/o Harku Sonwane
Age : Major, Occupation Agriculture,
R/o. Gadhe Pimpalgaon,
Taluka Vaijapur, District Aurangabad. ... Applicant

Versus

1. The State of Maharashtra
Through Police Inspector,
Police Station Bhusawal City,
District Jalgaon.
2. Shantanu Dagdu Sonawane
Age : Major, Occupation Agriculture,
R/o. Gadhe Pimpalgaon,
Taluka Vaijapur, District Aurangabad. ... Respondents

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Mr. Nilesh S. Ghanekar, Advocate for the Applicant in Bail Application
No. 315 of 2025.

Mr. V. M. Jaware, APP for Respondent-State.

Mr. S. R. Sapkal, Advocate for the Applicant in Criminal Application
No. 952 of 2025.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 03.04.2025

Pronounced on : 07.04.2025

ORDER :

1. Criminal Application No. 952 of 2025 is at the instance of original informant, praying therein for permission to intervene in the Bail Application. For the reasons mentioned in the application, the applicant/original informant is permitted to intervene. Criminal Application No. 952 of 2025 is accordingly disposed off.

2. Applicant in Bail Application No. 315 of 2025 seeks grant of regular bail on account of his arrest in crime no. 187 of 2024 registered at Virgaon Police Station, District Chattrapati Sambhajnagar (Aurangabad) for offences punishable under Sections 302, 307, 143, 147, 148, 149 and 504 of IPC.

3. Learned counsel pointed out that applicant is 60 years of age. That, he himself is injured in the incident, which is a fall out of agricultural dispute. He pointed out that, occurrence is of 05.06.2024. Statements of witnesses are not consistent and are rather at variance. Learned counsel placed on record variances in the statements of Bhanudas, Anil, Balu (informant), Raosaheb, Marcus and, Vaibhav. According to him, they have contradicted themselves in statements under Sections 161 and 164 of Cr.P.C.

4. He further pointed out that there is single head injury and death is attributed to the same, but said injury is not attributed to present applicant, rather is attributed to other accused. He also took this Court through the postmortem report and column no. 17. He further submitted that there is no recovery at applicant's instance and even statements of some of the witnesses under Section 164 Cr.P.C. are silent about role of applicant. That, there are allegations against applicant for assaulting some injured and not the deceased. Six persons are already said to be released on bail. Consequently, in the light of above, coupled with the fact that investigation is over and applicant himself being injured, and no further recovery or discovery is shown to be made at his instance, learned counsel urges for grant of bail.

5. Learned APP as well as learned counsel for informant have both opposed on the ground that applicant is named. He has used rod. Learned APP pointed out that deceased suffered 16 injuries. There is eye witness account, i.e. in the form of the statements of Vaibhav, Ramesh and Anil, who are also injured. Learned counsel for informant pointed out that, during bail application of other accused, facts have been suppressed and misleading statements are made. On all above counts, bail is opposed.

6. Heard. Perused the FIR dated 06.06.2024 at the instance of Balu Harku Sonawane, who himself is an injured and he gave statement while taking treatment that, there is dispute between them and their kinsmen, namely, Arun Sonawane, Anand Sonawane, Balu Dagadu Sonawane, Sahebrao Sonawane, Anil Sonawane and present applicant Shantwan Dagadu Sonawane, and some quarrel had taken place previously. He reported that on 05.06.2024, while he along with Marcus, Petras, Anil and Bhanudas reached their agricultural field, they saw agricultural activity already being undertaken by accused Shushil Anand Sonawane and therefore he were questioned, as a result which, he and accused Balu hurled abuses. Informant further reported that, accused Shushil started chasing them in the tractor. At that time, other accused persons i.e. Arun, Anand, Balu, Sahebrao, Shantwan (present applicant), Pravin, Gaurav, Vikas and Rajesh arrived there with sticks, axe, sickle and mounted attack. He reported that, Shushil tried to run over tractor over them and when they fell, accused Arun assaulted Petras with axe on head and when informant intervened, he was also assaulted. After his brother Petras fell, Sahebrao assaulted with axe on head as well as legs, Anand used sickle (*koyta*) to assault Marcus on hands and legs, whereas Pravin, Gaurav, Vilas and Rajesh used sticks. As regards to present applicant is concerned, it is alleged that, he and Balu assaulted Anil and

Bhanudas with iron rod. Accused Arun used axe to assault Anil on waist and Bhanudas on left leg. Accused Balu also assaulted with axe on right leg of Bhanudas. He again alleged that present applicant and Arun assaulted Petras by means of axe.

7. On above report, crime has been registered. Applicant is reported to be arrested in June 2024. Learned counsel asserted that, there is no recovery at his instance. Thrust of his argument is that, there is variance in the statements of alleged eye witnesses. This aspect cannot be gone into at this stage, more particularly when Section 149 IPC has been invoked, and more particularly when at one point of time, there are allegations of use of rod as well as axe against present applicant. Postmortem report shows that deceased had suffered 16 injuries. Though applicant is shown to be also an injured, considering the above material, this Court is not inclined to grant bail at this stage. Hence, I proceed to pass the following order :

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]