



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

BAIL APPLICATION NO. 413 OF 2025

Kapoor Vasant Dhanka
Age: 31 years, Occu.: Labour,
R/o. Dalelpur, Tq.Taloda,
Dist.Nandurbar.

....Applicant
(Ori. Accused No.2)

Versus

The State of Maharashtra
Through Taloda Police Station,
Tq.Shahada, Dist.Nandurbar.

.....Respondent

.....
Advocate for Applicant : Ms. Sabahat T. Kazi
APP for Respondent : Mr.PK.Lakhotiya

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 23 APRIL, 2025

PRONOUNCED ON : 24 APRIL, 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in crime no.0077 of 2024 registered at Taloda Police Station, District Nandurbar, for offence under Sections 302 read with 34 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest of applicant as 29-01-2024, learned counsel submitted that neither applicant is named in the FIR nor any role is attributed to him. That, for the first time in supplementary statement his name has been shown. That, there was

some quarrel between accused no.1 and deceased on account of daily wages. That, accused and deceased were said to be under influence of liquor during which there was some quarrel. It is alleged that applicant intervened to separate them and at that time, deceased abused applicant in filthy language and in the rage of anger, applicant assaulted deceased by means of a spade. That, now investigation is over. That, chargesheet is also filed on 22-04-2024. That, neither case is committed nor charge is framed and future course of trial is uncertain. For all these reasons, learned counsel urges for grant of bail.

3. Learned APP opposed application on the ground that though applicant is not named in the FIR, he pointed out that in the supplementary statement, which was recorded on the same day i.e. 29-01-2024, name of applicant is figured. That, there is death of a person. He took this Court through the post mortem report and pointed out that deceased had suffered multiple injuries. Therefore, it is his submission that it cannot be said that occurrence took place suddenly in rage of anger. Moreover, there is incriminating material in the form of recovery of clothes and therefore, crime being serious, he opposes the application.

4. Heard. Perused the FIR dated 29-01-2024 at the instance of Krushna Ashok Dhanka, who seems to be son of deceased Ashok Dhanka. Sum and substance of the FIR is that, informant's father acquainted with one Lalit Dhanka and he had a neighbour by name Kapoor Vasant Dhanka i.e. present applicant. That, informant's father was addicted to liquor and he was regularly going to the house of accused Lalit Dhanka. He further submitted that he did labour work for accused Lalit and he did not pay labour charges, instead serve him drink and there was quarrel for not giving payment of labour charges. He further claims that on 28-01-2024, he received a phone call from his cousin informing that his father is lying in injured condition in the house of accused Lalit and therefore, informant rushed to the spot and saw his father lying on a cot in the house of accused Lalit with injuries on forehead and a wooden danda and a spade was lying there and therefore, informant claims that in the backdrop of quarrel, which had taken place two months back, accused Lalit had assaulted his father. However, why on the same day supplementary statement of informant is recorded is not getting clear. In the said supplementary statement, he has stated that he learnt from Police that on 28-01-2024, there was quarrel between Lalit and deceased on account of payment of labour charges and

hearing their quarrel, it is alleged that neighbour of Lalit namely Kapoor Vasant Dhanka i.e. present applicant came there and while he intervened to separate them, it is alleged that deceased abused present applicant in filthy language and getting annoyed by the same, Lalit and Kapoor both assaulted father of informant. Thus, apparently in the FIR allegations are that there was quarrel due to non-payment of labour charges, resulting into assault. However, again in supplementary statement, role of applicant is shown and informant himself stated that he learnt from Police about role of present applicant for intervention in the quarrel and after being abused in filthy language, he assaulting alongwith Lalit on the deceased. Thus, there is no eye witness.

5. Now investigation is over and chargesheet is filed in April, 2024 i.e. almost a year back. Whether case is committed or not and whether charge is framed or not is not made known to this Court. Therefore, in the light of above material, relief as prayed deserves to be granted. Hence, following order :

ORDER

- (i) Bail Application is allowed.

(ii) Applicant Kapoor Vasant Dhanka be released on bail in connection with Crime no.0077 of 2024 registered with Taloda Police Station, District Nandurbar on executing Personal Bond of Rs.25,000/- with one surety in the like amount.

(iii) Applicant shall not tamper prosecution evidence.

(vi) Applicant shall not leave the jurisdiction of concerned Police Station, till conclusion of trial, except for attending Court dates.

(ABHAY S. WAGHWASE)
JUDGE