



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 423 OF 2025
WITH
CRIMINAL APPLICATION NO. 1022 OF 2025
IN BA/423/2025

1. Manoj S/o. Hanumantrao Shriganesh,
Age : 36 years, Occu. : Service/Peon,
R/o. Gandhali, Tq. Amalner, Dist. Jalgaon.
2. Kamlakar S/o. Hanumantrao Sriganesh,
Age : 38 years, Occu. : Service/Teacher,
R/o. Bhagyalaxmi Colony, Pachora,
Dist. Jalgaon.

... Applicants

Versus

The State of Maharashtra,
The Police Inspector,
Marwad Police Station, Marwad,
Tq. Amalner, Dist. Jalgaon.

... Respondent

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Mr. B. R. Waramaa, Advocate for Applicants.
Mr. S. B. Narwade, APP for Respondent - State.
Mr. S. T. Mahajan, Advocate for Informant (Assist to APP) in
Cri.Appln.1022/2025.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 APRIL 2025

PRONOUNCED ON : 07 APRIL 2025

ORDER :

1. Applicants seek enlargement on regular bail on account of their arrest in Crime No.154 of 2024 registered at Marwad Police Station, Dist. Jalgaon for the offences punishable under sections 103(1), 352, 351(1), 189(1), 191(1), 191(3), 190

and 3(5) of Bharatiya Nyaya Sanhita 2023 and under sections 37(1)(c) and 135 of Maharashtra Police Act.

2. Criminal Application No.1022 of 2025 is allowed. The original informant is permitted to assist the learned A.P.P.

3. Learned counsel submitted that, informant's brother and applicants had indulged in quarrel on account of giving dash to the vehicle of applicant. Learned counsel submitted that, informant himself stated that, matter was resolved and settled. He further submitted that, later on it is alleged that, persons sitting in the vehicle and some persons who came on two wheeler motorcycle mounted assault on brother of informant i.e. after initially giving dash. Learned counsel submits that, who was driving the vehicle and who were present in the vehicle, is not clarified as according to learned counsel, informant and persons sitting in the vehicle were stranger to each other. That, occurrence dated 02.11.2024 is reported in the afternoon on 03.11.2024. That, present applicants are teacher and peon, respectively. That, there was no motive. That, incident took place all of a sudden. Now, investigation is over and charge sheet is also filed and as no further recovery or discovery is to be made, learned counsel urges for grant of bail.

4. Learned APP as well as learned counsel for informant have strongly opposed. They pointed out that, there is assault by means of articles like rod. Informant's brother has died due to injuries suffered in temporal region. They both submitted that, though first occurrence of quarrel was resolved in presence of informant, again applicants and non applicants came armed with articles like rod. Initially dash was given to the motorcycle of deceased and after he fell, he was attacked. Therefore, they submit that occurrence cannot be said to be sudden.

5. Heard. Perused the FIR at the instance of one Vitthal Patil, who reported that on 02.11.2024, when he and his neighbour Bapu Mahajan were proceedings to attend fair, he saw his brother quarreling with some persons on the road, and therefore, he made inquiry with his brother and learnt that persons in the car were quarreling for giving dash to the indicator of motorcycle. Informant indulged and resolved the matter and sent his brother. He claims that, shortly thereafter persons came in both i.e. car and motorcycle. He has given names of five to six persons including present applicants. He has stated that, he made his brother run to save himself, but it is alleged that, his brother was given chase and he saw there car giving dash to the bullet and after his brother fell, persons alighted from the car and assaulted his brother. His

brother reportedly died due to the above assault. Post mortem report is placed on record. Column no.17 shows laceration and contusion on temporal area. Going by the sequence of events, it does emerge that after initial quarrel was resolved, applicants and others came back armed with rod and sticks and targeted deceased. Taking such material into consideration, this court is not inclined to grant bail.

6. The application stands rejected.

(ABHAY S. WAGHWASE, J.)