



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

945 BAIL APPLICATION NO. 1415 OF 2025

ASHOK MAHADU RATHOD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Suresh Prabhakar Salgar.
APP for Respondent / State : Mr. A. D. Wange.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 10th October, 2025.

P.C.:

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 in connection with crime No.392 of 2023 registered with Ramanandnagar police station, Tq. and District Jalgaon, for the offences punishable under Sections 302, 307 and 201, read with 34 of the Indian Penal Code, 1860. His application with similar prayer below Exh.27 in Sessions Case No.70 of 2024 came to be rejected by the learned Additional Sessions Judge, Jalgaon, vide order dated 25.04.2025.

2. It is averred in the report by the informant that his brother Arun Sonwane was having inimical terms with Sonu Adhale and his friend Dodya @ Pintya i.e. present applicant. The said Sonu was dealing with a business of sand and the punters were helping him. Sonu

Adhale is having his group viz. Baba group. There was quarrel between that group and brother of the informant Arun Sonwane. The boys of the said group were trying to establish their dominance in Samta Nagar area of Jalgaon city. Sonu Adhale was settling the disputes between the persons in that area. One Rani Bhaskar Shirsath was the niece of the present applicant. Her marriage was scheduled to be performed with Arun Sonwane on 24.12.2023. The said marriage was opposed by co-accused Pravin Sirsale. Co-accused Pravin Sirsale met Arun i.e. the brother of the informant and threatened him that if he will marry with his niece, he will kill him prior to marriage.

3. The informant further averred that on 10.12.2023, at about 12.00 noon, there was a quarrel between his cousin viz. Ganesh Sonwane on one side and Nitin Sonwane, Akash Chavan and Tushar Kalal on another side, at Wanjari Tekdi, Samta Nagar. On the same day at about 4.30 p.m. when the informant was sitting near a Nala in Dr. Babasaheb Ambedkar Chowk, at that time, his brother Arun and Ashish Sonwane came to him and stated him that they were called by Sonu Adhale for settling the quarrel, which was occurred in the morning. They said that they are going to Wanjari takdi for settling that quarrel. Accordingly, the informant's brother Arun and Ashish Sonwane went at Wanjari tekdi for settling that quarrel. After some

time, the informant heard hue and cry and he rushed there. He saw that 1) Sonu Adhale, 2) Pappu Adhale, 3) Baliram Chavan, 4) Dodhya @ Pintya Shirsath and the applicant were assaulting Ashish Sonwane with the help of choppers. Due to the hue and cry, the parents of Ashish Sonwane, uncle Nandlal Sonwane, aunt Rekha Sonwane and cousin Nitin Sonwane rushed to the spot, rescued Ashish Sonwane from the clutches of accused and taken him to hospital. Thereafter, the informant saw that all the five accused persons were assaulting his brother Arun by choppers. When the informant went to rescue his brother, Co-accused Pravin and Sonu Adhale abused him in filthy language and assaulted on his neck. The informant tried to rescue himself from clutches and made hue and cry for help. At that time, his brother Arun fell down. Sonu Adhale and the applicant assaulted on the neck of Arun by choppers. The informant noticed that the blood was oozing from the neck of Arun. All the accused persons, including the applicant ran away from the spot. Immediately some persons gathered there. Arun was taken to the hospital in ambulance, where he was declared dead. The report was lodged on the same day at about 22.39 hours.

4. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. He has no criminal antecedents except the informant's version and the statements of eye witnesses.

There is absolutely no material against the applicant to hold him guilty for the offences punishable under sections 302, 307 and 201 read with 34 of the I.P.C. Learned advocate further submitted that no any weapon, like chopper etc. is seized at the instance of the applicant. His alleged blood stained clothes are also not seized when he was taken in the police custody for one day.

5. The learned advocate for the applicant further submitted that there was no motive on the part of the applicant to commit the murder of Arun. He further submitted that the co-accused, Pravin Sirsale, whose role is identical to that of the present applicant, has been released on bail by this Court vide order dated 21st August, 2025 passed in Bail Application No.1698 of 2024. It is lastly prayed to allow the application.

6. Learned A.P.P. for the respondent-State strongly opposed the application and submitted that the applicant is involved in a serious offence of murder. He further submitted that there is strong motive on the part of this applicant for commission of murder. The quarrel took place on account of that marriage. There is evidence of two eye witnesses, who have no reason to falsely implicate the applicant. He submitted that if the applicant is released on bail, he will pressurize the prosecution witnesses. There is strong evidence against the applicant

and other accused. He lastly pointed out that the postmortem report wherein 34 injuries are mentioned which are caused to deceased Arun. He submitted that considering the role of this application, parity is not applicable to the present applicant. He submitted that considering the serious nature of the offence, this bail application deserves to be rejected.

7. Perused the charge sheet. The informant and the eye witnesses have specifically stated that the applicant was present at the time of incident and he had participated in the commission of crime. On perusal of report and the statements of witnesses, it appears that general allegations are made that the applicant and other accused also assaulted Arun and the informant with choppers. Though two choppers are seized but they are not seized from the applicant. His blood stained clothes are not seized. No doubt, the witnesses have stated that the applicant was present and he has assaulted Arun and the informant however, specific role is not stated by the witnesses. The report is lodged after five hours of the incident.

8. Considering the above aspects, if the applicant is kept behind bars, no purpose will be served. The trial will take a long period. The applicant has roots in the society and he has no criminal antecedents. Considering all these reasons, particularly vague and general

allegation of assault is made against the applicant and also considering the principle that 'the bail is rule and jail is exception', so also on the ground of parity, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.392 of 2023 registered with Ramanandnagar police station, Tq. and District Jalgaon, for the offences punishable under Sections 302, 307 and 201 read with 34 of the I.P.C. (Sessions Case No. 70 of 2024, pending before the Additional Sessions Judge, Jalgaon), be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant, except on the dates for attending the trial fixed by the trial court, shall not enter in Jalgaon city till the decision of the Sessions Case.

[SANJAY A. DESHMUKH, J.]