

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1919 OF 2024

Ananda Anton Sonwane,
Age : 45 years, Occu. : Agri.,
R/o. Gadhe - Pimpalgaon, Tq. Vaijapur,
Dist. Aurangabad.

... Applicant

Versus

The State of Maharashtra

... Respondent

WITH

CRIMINAL APPLICATION NO.4838 OF 2024

(For Intervention)

IN

BAIL APPLICATION NO. 1919 OF 2024

Balu S/o. Harku Sonwane,
Age : Minor, Occu. : Agri.,
R/o. Gadhe Pimpalgaon,
Tq. Vaijapur, Dist. Aurangabad

... Applicant
(Intervenor)

Versus

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Bhusawal City,
Dist. Jalgaon.

2. Ananda S/o. Anton Sonwane,
Age : 45 years, Occu. : Agri.,
R/o. Gadhe Pimpalgaon,
Tq. Vaijapur, Dist. Aurangabad.

... Respondents.

...
Mr. Satej S. Jadhav, Advocate for Applicant
Mr. V. M. Jaware, APP for Respondent - State
Mr. Sandip R. Sapkal, Advocate for Intervenor.
...

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 07 JANUARY, 2025

PRONOUNCED ON : 10 JANUARY, 2025

ORDER :

1. Applicant seeks enlargement on bail in consequence to his arrest in Crime No. 187 of 2024 registered at Virgaon Police Station, District Aurangabad for offence punishable under sections 302, 307, 143, 147, 148, 149 and 504 of Indian Penal Code.

2. Criminal Application No.4838 of 2024 filed by informant for intervention seeking permission to assist the public prosecution is allowed.

3. In support of relief, learned counsel for applicant pointed out that applicant is arrested in above case since 07.06.2024. He pointed out that, alleged occurrence is of 2:30 p.m, but reporting is on next morning around 5:30 a.m. That, there are allegations of assault by means of sickle. Learned counsel emphasized that, apparently, occurrence is of free fight as a result of civil dispute and civil litigation. That, there was no premeditation, rather occurrence is a result of heated exchange of words and both sides mounted assault on each other. He pointed out that, present applicant was himself admitted in ICU as he too had suffered injuries. That, against him, there are allegations of assaulting on forearm and knee i.e. non vital parts of injured. That, allegations of murder are against two main accused and they are

not before this court. He pointed out that, other accused against whom there are allegations of use of sticks and iron rod, are set at liberty. For above reasons, according to him, as nothing is to be recovered and discovered from him, his further detention is unwarranted and he being ready to abide all conditions imposed by this court, learned counsel urges for bail.

4. While opposing the above application, learned APP pointed out that, serious offence of murder, attempt to commit murder and causing grievous injury, is registered. That, applicant is named and his role is also defined. Learned counsel invited attention of this court to the injury certificate and would submit that there is direct as well as injured eye witness account. That, there is use of deadly weapon. It being serious offence, learned APP prays to reject the application.

5. Learned counsel for complainant also opposed on the ground that after forming unlawful assembly, accused persons including present applicant, mounted assault, in which one person has died. As regards to present applicant is concerned, he too pointed out that present applicant was armed with sickle and he has inflicted grievous injuries on the injured. For above reasons, he opposes and seeks reliance on ruling of Hon'ble Apex Court in

the case of *Yashpal Singh v. State of Uttar Pradesh and Anr.* in Criminal Appeal No. 812 of 2023 (Arising out of SLP (Cri.) No. 3435/2023)

6. Heard each of the side to their satisfaction. Perused the papers. FIR seems to be at the instance of one Balu Harku Sonwane reporting occurrence dated 05.06.2024 at 2:30 p.m. Ten person are named, including present applicant, i.e. after entering the field in possession of informant, getting armed with articles like sticks, axe, sickle and even attempting to run tractor. Informant and his brother Petras were allegedly assaulted by means of axe held by one Arun. As regards to present applicant is concerned, it is alleged that he assaulted informant's brother, namely Markas by means of sickle on hands, legs and other accused allegedly used sticks and iron rod. Petras seems to have expired due to head injury. On above report, crime seems to have been registered on 06.06.2024 and applicant is said to be arrested on next day i.e on 07.06.2024. It is forcefully submitted that, two main accused, who are responsible for death are not on bail, but other accused against whom there are allegations of use of sticks and iron rod are said to be beneficiaries of bail vide orders dated 27.11.2024 and 21.08.2024. Apparently, there is no denial that applicant is named and specifically his role is coming in the FIR as well as other

injured witness account. Recovery of sickle is also not denied. Applicant and others are charge-sheeted for commission of offence under sections 302 and 307 of IPC for forming unlawful assembly and there is also implication for offence under section 149 of IPC. Though it is submitted that occurrence is not preplanned one and rather on spur of the moment, informant has clearly stated that accused persons came in the field in their possession. Resultantly, though injuries are on hand, forearm and knee, there is use of article like sickle.

Taking such materiel into consideration and the nature of accusations, this court is not inclined to grant bail at this stage at least. Hence, the following order is passed.

ORDER

- (i) Bail application stands rejected.
- (ii) Application for intervention is disposed off.

(ABHAY S. WAGHWASE, J.)