



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

BAIL APPLICATION NO. 2190 OF 2024

Sumit Prakash Ghatmal

Age: 27 years, Occu.: At present in Jail,

R/o. Kurban Lane, Shah Nagar, Darga Road,

Parbhani, Tq. & Dist.Parbhani.

....Applicant / Accused

Versus

The State of Maharashtra

Through Investigating Officer,

Kotwali Police Station,

Tq. & Dist.Parbhani.

.....Respondent

.....

Advocate for Applicant : Mr. Himmatsinh D. Deshmukh

APP for Respondent : Mr.S.B.Narwade

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24 FEBRUARY, 2025

PRONOUNCED ON : 25 FEBRUARY, 2025

ORDER :

1. This is an application for grant of regular bail on account of arrest of applicant in crime no.0152 of 2024 registered at Kotwali Police Station, Parbhani for the offence under Sections 302, 307 read with 34 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest and registration of crime as 27-04-2024, learned counsel submitted that two persons are booked

in above crime including present applicant. That present applicant was merely in the company of main accused. That, there are allegations that in the backdrop of some love affair, there was initial verbal exchange of words. He further submitted that FIR carries allegation about applicant picking up a tile and hitting it to the deceased. That, initial crime was registered for offence under Section 307 read with 34 of the IPC. That, as applicant was not carrying any arm, learned counsel submitted that there was no motive and intention. He further took this Court through the post mortem report and would submit that death is also attributed to stab wounds on chest. That, tile cannot cause such injury. That, chargesheet is already filed in July 2024 and as there are no immediate prospects of matter going for trial, learned counsel seeks grant of bail.

3. Learned APP, who opposed, submitted that applicant is named. That, he not only picked up a tile and hit it on the head, he further facilitated assault at the hands of main accused. That, offence of murder is committed. That, only on account of facilitation by present applicant, deceased was stabbed. Therefore, he is equally responsible and offence being grave in nature, learned APP opposes bail

application.

4. Heard. Perused the papers. FIR dated 27-04-2024 is at the instance of one Maroti Digambar Landge. He has reported that his brother Nagnath resides in the neighbourhood of one Prakash. That son of said Prakash namely Amit had attempted to develop contact with informant's sister and as such understanding was given to him. It is further reported that on 26-04-2024 at around 02:00 p.m., his wife woke him up informing about quarrel going on and so he went out and at that time, he saw his brother Nagnath lying in injured condition. Injuries were on his stomach, thigh, arm and chest. Someone had assaulted him by sharp weapon. He claims that, at that time, he saw Amit and present applicant Sumit fleeing from there. Wife of deceased namely Lata and his other sister-in-law Ashwini had seen injured and these two ladies informed about assault by Amit and Sumit. On above report, crime has been registered. Therefore, apparently informant is not eye witness, but he has named Lata and Ashwini as eye witness in the occurrence. Their statements are also recorded. Witness Lata stated about seeing initial quarrel and thereafter, present applicant picking up a piece of tile and hitting her husband on the head. Due to such assault, her

husband collapsed and then she further stated that again present applicant caught both hands of her husband and thereafter, non-applicant Amit used knife for stabbing in the abdomen and stomach, arms, chest etc. Similar statement is given by Ashwini. Therefore, as submitted by learned APP, it is not a case of only allegation of hitting by tile already lying there, but there is further role of catching hold of deceased after which other accused Amit used knife on various parts of the body. Post mortem report column 17 shows multiple injuries. Even death is attributed to “Shock due to stab wounds over chest and abdomen”.

Therefore, with such quality of material, this Court is not inclined to grant relief at this stage. Hence, the following order :

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE