



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**BAIL APPLICATION NO. 2277 OF 2024**

Shubham s/o Vishnu Ghavane

Age : 23 years, Occupation : Education,

R/o: Gotewadi, Taluka Ausa,

District : Latur.

... Applicant

versus

The State of Maharashtra

... Respondent

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Mr. P. P. Giri, Advocate for the Applicant.

Mr. P. K. Lakhotiya, APP for Respondent-State.

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**CORAM : ABHAY S. WAGHWASE, J.**

Reserved on : 30.04.2025

Pronounced on : 02.05.2025

**ORDER :**

1. Present application is for grant of regular bail on account of arrest of applicant in crime no. 150 of 2024 registered at Killari police station, Taluka Ausa, District Latur for offences punishable under Sections 302, 307, 336, 323, 504, 506 r/w 34 of IPC.

2. Learned counsel pointed out that applicant is arrested in above crime on 10.04.2024 and as such, he is behind bars since almost 13 months. He is a student and undertaking education. Learned counsel pointed out that, brother of deceased Swapnil lodged report on

09.04.2024 that, he learnt from his grandmother about his brother Swapnil being beaten at Dattapati and therefore, he and his cousin allegedly went there but, neither informant's brother nor any person was available at the said spot. It is further pointed out that, informant further reported that he went to hospital and found his brother to be unconscious, and there he claims to have learnt from one Tanaji about occurrence taking place between Swapnil and Dashrath on one hand and accused persons named in this FIR on the other hand, in the backdrop of parking vehicle. But, according to learned counsel, there are allegations of mere giving kicks and fist blows and alleged incident had come to an end. He further pointed out that, later on it is alleged that at another spot, regarding which there is no evidence or witness, there was beating to Dashrath by above persons and when informant's brother Swapnil allegedly intervened to separate, it is alleged that, stones were pelted at him. Thus, according to learned counsel, there was no motive or intention to kill. Indiscriminate pelting of stones unfortunately hit deceased on head.

3. Learned counsel further submitted that informant's version does not tally with eye witness account. That, moreover, at later point of time, informant tendered complaint to the higher police official giving a different version than that reported in the FIR, and in the complaint

it is reported that informant and his cousin had been to the spot and even grandfather intervened by laying himself to prevent assault to deceased. Thus, according to learned counsel, various versions are reported by informant. Now, investigation is over, charge sheet is filed. No recovery or discovery is to be made. Alleged stone is already seized, but it carries no blood marks or stains. For all above reasons, he urges for grant of bail.

4. Learned APP opposed on the ground that offence of murder is committed. There is eye witness account i.e. of Tanaji and Dashrath. Roles are crystallized. Learned APP took this court through the PM report, more particularly column no. 17 and 19, and would submit that the size and number injuries show that there was intention to kill. For all above reasons, bail is opposed.

5. Heard. Perused the papers. FIR dated 09.04.2024 is at the instance of Shivam Ram Kadam and, as pointed out, he reported that, on 08.04.2024, on receipt of information about his brother being assaulted by someone, he visited spot with his cousin at Dattapati but no one was present there and thereafter, when he went to hospital, his brother was found to be admitted with serious injuries in unconscious condition. There, he claims that, Tanaji narrated the

occurrence between Swapnil and Dashrath on one hand and Ranjeet Nivrutti and Shubham (present applicant) on the other hand. This incidence was regarding giving kicks and fist blows and as submitted, quarrel seems to be in the backdrop of parking vehicle. Second occurrence has allegedly taken place in front of a puncture shop and there again, Dashrath was beaten and when informant's brother intervened, that time it is alleged that Ranjeet and Nivrutti picked up stones and assaulted Swapnil on the head. Thus, *prima facie* in the second episode as narrated in FIR, role of present applicant is not surfacing wherein there are allegations of assault by stone.

6. On visiting statement of Tanaji, who passed information to informant, it is seen that he has also reported about two occurrences, i.e. at Shirsalpati and second in front of puncture shop, and that time, it is alleged that, all three i.e. Ranjeet, Nivrutti and present applicant again assaulted Swapnil with stones and it is alleged that, present applicant and Ranjeet had caught hold of Swapnil and Nivrutti used stone for hitting him on the head. Similar is the version of another witness, namely, Dashrath. PM report, as pointed out, shows that in column no. 17, there are 11 wounds i.e. contusions, abrasions and puncture marks on various parts of the body and column no. 19 shows fracture to left temporal bone.

7. Taking the above material into consideration, it cannot be said that occurrence is sudden or on minor count. Number of injuries reflect something otherwise. Apparently, a person who has intervened to separate, has been targeted. For above reasons, considering the nature of allegations, though charge sheet is filed, this court is not inclined to grant relief. Hence, the following order :

**ORDER**

The application is rejected.

**[ABHAY S. WAGHWASE, J.]**

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