

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 33 OF 2025

Somnath Mahadev Mane

... Appellant

Versus

State of Maharashtra & Anr.

... Respondents

.....

Mr. Priyal G. Sarda a/w. Mr. Shubham Sane and Ms. Seema S. Dighe,  
Advocates for the Appellant.

Mr. Kiran C. Shinde, APP for the State.

Ms. Pranali Kamble, Appointed Advocate for Respondent No.2.

D. B. Gurav, Head Constable, Akluj Police Station, Solapur Rural present.

**CORAM : SHIVKUMAR DIGE, J.**

**DATED : 22<sup>nd</sup> APRIL, 2025.**

**P. C. :**

1. The appellant is seeking regular bail in C.R.No. 63 of 2024 registered with Akluj Police Station, Solapur Rural for the offences punishable under Section 302, 143, 147, 148 and 149 of Indian Penal Code and under Section 3(2), 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 135 of Maharashtra Police Act.

2. It is prosecution's case that in the intervening night of 02.02.2024 to 03.02.2024, the appellant and co-accused assaulted the brother of the first informant with sharp weapons on the ground that deceased had illicit relations with daughter of accused No.2. Due to said assault, brother of the first informant died.

3. It is contention of learned counsel for the appellant that appellant is behind bar more than one year. Though, the prosecution has recorded the statement of eye witness Dattatraya Chavan but it is recorded after 20 days of the incident. He has not specified any role against the appellant. The motive of the said incident attributes to the accused No.2 who is father of the girl with whom deceased had illicit relations, hence requested to allow the appeal.

4. It is contention of learned APP and learned counsel for respondent No.2 that appellant and co-accused assaulted the deceased with sharp weapons. The said attack was preplanned. The incident was witnessed by eye witnesses. The eye witness Dattatraya Chavan has stated that he saw the appellant and co-accused assaulting the deceased with weapons. There is direct evidence against the appellant. If appellant is released on bail, he may threaten first informant and prosecution witnesses. Hence requested to dismiss the appeal.

5. I have heard all learned counsel. Perused chargesheet. The allegations against the appellant that he along with other co-accused assaulted the deceased with sharp weapons. The motive of the said offence is against the accused No.2. The eye witness Dattatraya Chavan has stated that he saw the appellant and co-accused were assaulting the deceased but no specific role is attributed to the appellant. The appellant

is behind bar more than one year. The appellant has no antecedents. Considering these facts, further detention of the appellant is not required.

### ORDER

- i. In the event of arrest of appellant in C.R.No. 63 of 2024 registered with Akluj Police Station, Solapur Rural, the appellant shall be released on bail on executing PR.Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount.
  - ii. The appellant shall attend the concerned police station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
  - iii. The appellant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
  - iv. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.
6. The Appeal is allowed in the aforesaid terms and is accordingly disposed of.
7. All concerned to act on the authenticated copy of this order.

( SHIVKUMAR DIGE, J.)