

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2898 OF 2024

Aniket Makarand Mote Applicant

V/s.

State of Maharashtra Respondent

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Mr.Shirish Gupte, Senior Advocate a/w Mr.Nilesh Kumbhar and
Mr.Abhishek Jare, for the Applicant.

Mr.S.M. Mangaonkar, APP, for Respondent-State.

Mr.Piyush Toshniwal, for Respondent No.2-Intervenor.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th APRIL 2025

P.C:-

. By this Application, Applicant is seeking regular bail
in Crime No.239 of 2019 registered with Shirwal Police Station,
Satara, for the offences punishable under Sections 302, 326, 323,
143, 147, 148, 149, 507 of the Indian Penal Code, 1860 and
under Sections 4 and 25 of the Arms Act.

2. It is prosecution's case that, due to old dispute on 25th
November 2019 the Applicant and co-accused assaulted the
deceased Mayur with sharp weapon. It is alleged that, the

Applicant assaulted the deceased with sword. Due to said assault deceased suffered serious injuries and died.

3. It is contention of learned senior counsel for the Applicant that, the Applicant has been falsely implicated in this case. The Applicant is behind bare more than 5 years. Yet trial has not been concluded. The incident happened in sudden provocation, as deceased had caught hold the shirt collar of the father of the Applicant. Due to said act the Applicant got angry and went in house brought the sword and assaulted the deceased. So the act of Applicant was not pre-planned. The Applicant is behind bare more than 5 years. Hence, requested to allow the Application.

4. It is contention of learned APP along with learned counsel for the Intervenor that, the Applicant and co-accused assaulted the deceased with sharp weapon. The Applicant had assaulted the deceased with sword and iron rod on vital part of the body with intention to kill him. He had brought the sword from the house and assaulted the deceased, it shows act of the Applicant was pre-planned.

5. The learned APP further submitted that, the incident was witnessed by the eye witnesses. If Applicant released on bail he may abscond or he may threaten prosecution eye witnesses. The learned APP further submitted that, the blood stained clothes and sword used in the crime is recovered at the instance of the Applicant. The postmortem report shows that, the death of the deceased caused due injuries inflicted by the sword, it shows involvement of the Applicant in the crime. Hence, requested to reject the Application.

6. I have heard all learned counsel. Perused charge-sheet.

7. It appears from the charge-sheet that, the deceased had gone to the house of the Applicant to confront about the some issues. Thereafter, the deceased had caught hold, the shirt collar of the father of the Applicant by seeing that, the Applicant went in house brought the sword and assaulted the deceased. Due to said assault the deceased suffered injuries and later on succumbed to those injuries. Whether the act of the Applicant was pre-planned or not is part of trial. The Applicant is behind

bar more than 5 years. Yet trial has not concluded. At the time of the incident he was 19 years old. He has no antecedents. Considering these facts, his further detention is not required and I pass following order.

ORDER

- (i) The Applicant-Aniket Makarand Mote be released on bail in Crime No.239 of 2019 registered with Shirwal Police Station, Satara, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall not enter in the area of Dhangarwadi till recording the evidence of the prosecution witnesses.
- (iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (vi) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)