CHITRA SANJAY SONAWANE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Bail Application No.5315 of 2024

Rayaba Dhondiba Ghate
Age: 51 years, Occ: Agriculturist
R/at Patharwadi, Tal: Purandar
Dist: Pune.
(At present detained in Central
Prison Yerwada, Pune) … Applicant.

Versus

State of Maharashtra
Through Saswad Police Station, Pune
(CR No. 157/2024)
Notice to be served on the APP
High Court, Mumbai. … Respondent

With

Interim Application No.507 of 2025

in

Bail Application No.5315 of 2024

Mangal Dadasaheb Ghate
Age: 53 years, Occ: Housewife
Residing at: Patharwadi-Bhiwri
Tal: Purandar, Dist: Pune …Intervenor/
Proposed Respondent

In the matter between :
Rayaba Dhondiba Ghate
Aged: 51 years, Occ: Farmer,
Residing at: Patharwadi, Tal: Purandar,
Dist: Pune. … Applicant

Versus

The State of Maharashtra
[Through Saswad Police Station

Dist: Pune Vide CR No.157/2024] … Respondent

Ms Shubhangi Parulekar, a/w Ms Vrunda Surve, for the Applicant.
Mr Arfan Sait, APP, for the Respondent/ State.
None present for the Intervenor.
WPSI Archana Patil, Saswad Police Station, Pune Rural.

Coram: R.N. Laddha, J.
Date: 24 December 2025.

P.C.:

By this application, the applicant seeks bail in connection with CR No.157 of 2024, registered at Saswad Police Station, Pune, for offences punishable under Sections 307 and 504 read with Section 34 of the Indian Penal Code (IPC), and Section 4 read with Section 25 of the Arms Act, 1959.

2. According to the prosecution, there is a dispute between the informant's family and the family of the applicant on account of the agricultural land. On 23 April 2024, the informant and her son Ajay were at the Kalubai temple. The applicant and the co-accused involved in the crime were also present there. After completion of Aarti, the co-accused who is the son of the present applicant went outside the temple and returned with two bags. Out of two bags, he gave one bag to the applicant. After that the present applicant caught hold of the informant's son Ajay and co-accused assaulted over the

head of Ajay by means of a sickle. Due to this assault, Ajay sustained bleeding injury to his head.

3. Ms Shubhangi Parulekar, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, submits that the injured has been discharged from the hospital. It is further contended that the applicant is not the principal assailant and that there exist material contradictions and inconsistencies between the statements of the informant and the purported eyewitnesses. The learned Counsel submits that there was no animus or motive attributable to the applicant to cause harm to the injured person, one Ajay. With respect to the applicability of Section 34 of the IPC, it is submitted that the question of common intention and the extent of the applicant's participation in the alleged offence are matters that can only be conclusively determined during the course of trial.

4. The learned Counsel further submits that the recovery of the weapon, a sickle, from the applicant's residence does not incriminate the applicant inasmuch as the said sickle was devoid of any blood stains. Assuming, without admitting, the prosecution's case to be true in its entirety, it is submitted that the only role attributed to the applicant is that of allegedly holding the injured, while the actual act of assault was committed by the co-accused. No specific overt act of inflicting

injury upon the victim has been ascribed to the applicant. It is further submitted that the applicant has been languishing in jail since 24 April 2024. The applicant is a law-abiding person and undertakes to abide by any conditions that this Court may deem fit to impose in the event of the grant of bail.

5. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/State, vehemently opposed the present application. It is submitted that the offence is of a grave and serious nature, involving a brutal assault on the injured with a deadly weapon. The learned APP contends that the applicant actively participated in the commission of the offence by holding the injured, thereby facilitating the co-accused in assaulting the injured with a sickle. It is further alleged that subsequent to the injured collapsing on the ground, the applicant himself attempted to assault the victim with a weapon, but was prevented from doing so by the timely intervention of bystanders.

6. The learned APP further points out that the sickle used in the offence was recovered at the instance of the applicant. The medical certificate and the CT scan report of the injured reveal a skull fracture, which constitutes a grievous injury inflicted on a vital part of the body, indicating a clear intention on the part of the applicant and the co-accused to cause fatal harm. It is

also submitted that there are eyewitnesses to the incident who have categorically implicated the applicant and assigned a specific and active role to him in the commission of the offence. The learned APP further submits that the charges have already been framed and the trial is underway. In such circumstances, it is apprehended that if the applicant is released on bail at this stage, there exists an imminent likelihood of the applicant tampering with the prosecution's evidence and influencing the witnesses.

7. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. At the stage of considering bail, a detailed examination of the evidence is neither permissible nor desirable. However, the Court is required to assess whether a *prima facie* case exists and to consider the nature and gravity of the offence, the role attributed to the applicant, and the likelihood of the applicant interfering with the prosecution's evidence and/or influencing the witnesses.

8. In the present case, the material on record *prima facie* indicates that the applicant was not a passive spectator to the incident. The allegation that the applicant caught hold of the injured, thereby facilitating the co-accused in inflicting a grievous injury with a sickle, cannot be brushed aside at this

stage. The injury sustained by the injured is a skull fracture, which is grievous in nature and caused on a vital part of the body. The act attributed to the applicant, *prima facie*, squarely attracts the principle of common intention under Section 34 of the IPC. The submission that the applicant did not inflict the actual blow is of limited assistance at this stage, as participation in the commission of the offence by restraining the injured, in the facts and circumstances of the case, is a significant and active role. The alleged attempt by the applicant to further assault the injured, though prevented, also weighs against the applicant. The existence of eyewitnesses who have consistently implicated the applicant further strengthens the prosecution's case at the *prima facie* level.

9. The argument regarding the absence of blood stains on the recovered weapon and alleged inconsistencies in the statements are matters of appreciation of evidence, which are best left to be adjudicated during the trial. The material on record also suggests that prior enmity existed between the parties on account of the immovable property. The sequence of events and the nature of the assault *prima facie* suggest a premeditated act with an intention to cause fatal harm. The record further indicates that pursuant to the disclosure made by the applicant, one sickle was recovered. It further appears that

the trial has already commenced. At this juncture, there exists a reasonable apprehension that the applicant, if enlarged on bail, may tamper with the prosecution evidence or influence witnesses.

10. In light of the gravity of the allegations, the specific role attributed to the applicant, the *prima facie* material supporting the prosecution's case, the nature of injury sustained, the recovery of the weapon at the instance of the applicant, the stage of trial, prior enmity between the parties, and the potential for misuse of liberty, this Court is not inclined to exercise discretion in favour of the applicant. Accordingly, the present bail application stands rejected. As a sequel the pending interim application also stands disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to the present application and the trial Court to decide the case on its own merits, uninfluenced by the observations made herein.

[R.N. Laddha, J.]