

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4495 OF 2024

Rameshwar Bandu Chaudhary

Applicant /
.. Accused No.3.

Versus

State of Maharashtra

.. Respondent

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- Mr. Amrish R. Salunke a/w. Muskan M. Mansuri, Advocates for Applicant – Accused No.3.
 - Dr. Dhanalakshmi Krishnaiyer, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 06, 2025.

P.C.:

1. Heard Mr. Salunke, learned Advocate for Applicant and Dr. Krishnaiyer, learned APP for Respondent – State.

2. Applicant is Rameshwar Bandu Chaudhary who has been indicted in offence under Sections 302 read with 34 of the Indian Penal Code, 1860. The date of the incident is 15.08.2020 and on the evening of the said date, Applicant was arrested and is incarcerated since then.

3. At the outset, Mr. Salunke, in his usual fairness draws my attention to the twin orders dated 01.07.2022 and 19.04.2024 appended at page Nos.89 and 91 respectively of the Bail Application. He would submit that there are four accused in the present crime,

namely Rameshwar Bandu Chaudhary; Bandu A. Chaudhari, Laxman Bandu @ Popat Bandu Chaudhary and Someshwar Bandu Chaudhary. He would submit that by order dated 01.07.2022, Bandu A. Chaudhary has been granted bail; by order dated 07.12.2022, Laxman @ Popat Bandu Chaudhary has been granted bail and by order dated 15.02.2023, Someshwar Bandu Chaudhary has been granted bail by the Trial Court.

4. He would submit that present Applicant is arraigned as Accused No.1 whereas other 3 accused, namely Bandu Chaudhary; Laxman @ Popat Bandu Chaudhary and Someshwar Bandu Chaudhary arraigned as Accused Nos.2 to 4 all have been granted bail.

5. While drawing my attention to the order dated 19.04.2024, he would submit that, this Court had in the earlier Bail Application taken into cognizance that the Applicant is in long incarceration as also the trial and directed expeditious hearing of the trial. In that regard, he would submit that latest Roznama dated 04.01.2025 states that prosecution has submitted list of 34 witnesses which is appended at page No.26 of the Bail Application which the prosecution desires to examine. He would submit that this Court be pleased to consider the incident occurred on 15.08.2020 and the two precursor incidents thereto which have occurred on 14.08.2020 and 15.08.2020 at 07:00 a.m. in the morning. He would submit that a quarrel ensued between

victim / deceased and his wife Ranjana when the victim accused his wife Ranjana of affinity and keeping intimate relationship with her brother accused No.2 namely Rameshwar, who is Applicant before me. He would submit that quarrel ensued on 14.08.2020 at about 03:00 p.m. during which the victim / deceased beat up his wife Ranjana. At that time, son of the victim and Ranjana attempted to intervene in the quarrel, but he was also beaten up.

6. Next precursor incident took place in the early morning hours at 07:00 a.m. between the victim and his wife Ranjana primarily as an extension of the issue on previous date.

7. It is seen that at that time, when the son of victim and Ranjana attempted to once again intervene in the quarrel, he was slashed by a blade on his back by the victim (his father) and thereafter he was shifted to J.J. Hospital for treatment. After admission in the hospital, Ranjana and victim's son reached the Applicant's family and when they informed them about what happened, father of Ranjana namely Bandu Chaudhary initially at about 12:30 p.m. made a phone call to the victim and it is the prosecution case that at that time he threatened the victim with dire consequences to his life for what he had done.

8. The aforesaid two precursor incidents are the cause of the happening of the incident between 12:30 p.m. and 17:10 p.m. as can

be seen from the record of the case on the date of incident. He would submit that undoubtedly there has been a skirmish and scuffle. The victim was held by Accused Nos.2 to 4 whereas Accused No.1 used a 'sil batta' (पाटा) which is the grinding stone to inflict one fatal blow on the head of the victim / deceased, resultantly leading to his death.

9. Considering the role of the other co-accused of having held the victim during the aforesaid incident, the Trial Court has granted them bail.

10. Mr. Salunke, learned Advocate would draw my attention to the fact that considering the two precursor incidents namely the fact that serious allegations were made by the victim of his own wife having illicit relationship with her brother i.e. Accused No.1 is the root cause of the matter before the Court. He would submit that there was enough provocation leading to the incident of assault and the unintentional resultant death of the victim. He would submit that no family member of any women would premeditate such an offence unless there is same grave provocation which can be seen in the present case. I have perused the record of the case. *Prima facie*, it is seen that Applicant has been long incarcerated since the year 2020.

11. Dr. Krishnaiyer, learned APP has also taken me through the record of the case and would draw my attention to the averments recorded in the order of the Sessions Court while rejecting bail to the

Applicant that there are 24 antecedents against the present Applicant.

Mr. Salunke would however refute the same.

12. She would persuade the Court to permit her to take appropriate instructions so as to place the same before the Court on the next adjourned date considering the Application of the Applicant.

13. At her request, one week time is granted to ascertain the details and place the same before the Court.

14. Stand over to **13th January 2025**. To be listed under the caption “**Part-Heard**”.

[MILIND N. JADHAV, J.]

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