



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO. 54 OF 2025

Shri Dipak @ Fantya s/o Ashok Kawanpure Vs State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.A. Dutonde, counsel for appellant.

Mr. Anant Ghongre, APP for respondent/State.

Mr. U. Y. Sonkusare, counsel for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/06/2025.

1. Heard.
2. **Admit.**
3. By preferring this appeal, the appellant has challenged the order passed by the District Judge-1 and Additional Sessions Judge, Warud, District Amravati, rejecting the application of the present appellant for grant of bail.
4. The appellant is arraigned as an accused in connection with Crime No.256/2023 registered under Sections 302, 201, and 384 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
5. The crime is registered on the basis of the report lodged by Ankush Vishwanath Jogdand that one Kewal Manik Sontakke belonged to the Scheduled Caste

and the informant and his deceased friend Kewal were running an online lottery center at Warud. The accused was demanding ransom from the informant and his friend Kewal, but they refused to pay the ransom, in a fit of annoyance, the present appellant assaulted him by means of a knife on his neck. Due to which he sustained the grievous injuries and subsequently succumbed to death. On the basis of the said report, police have registered the crime against the present appellant.

6. After registration of the crime, the appellant approached the Special Court for grant of bail. The bail application was rejected by observing that there are criminal antecedents against the present appellant which is ten in number. Similar types of the offences are registered against the present appellant. Moreover, the involvement of the present appellant is revealed from the charge-sheet. The deceased died due to hypovolemic shock, as he sustained grievous injuries on the vital parts of the body.

7. Being aggrieved and dissatisfied with the same, the present appeal is preferred by the appellant.

8. Heard learned counsel for the appellant, who submitted that the appellant has been behind bar since the date of his arrest, i.e., 21/04/2023. Now, the investigation is already completed, and the charge sheet is already filed. There is no reason to keep the present

appellant behind bar. The trial will take its own time for its final disposal. In view of that, he be released on bail.

9. Learned APP and learned counsel for the complainant strongly opposed the same on the ground that, considering the nature of the evidence and the gravity of the offence, the appeal deserves to be dismissed.

10. On hearing both sides and on perusal of the investigation papers, it reveals that, on the day of the incident, i.e., 21/04/2023, the present appellant approached the informant and his friend (deceased) and demanded the money from them. Prior to that also, for the last 20 to 25 days, the appellant was demanding the money from them. As they have denied paying the money therefore, the blow of the knife was allegedly given by the present appellant. The informant is the eyewitness of the said incident, and there are other eye-witnesses to the said incident also.

11. On perusal of the entire investigation papers, there is direct evidence to connect the present appellant with the alleged offence. The intention of the present appellant can be gathered from the circumstance that he has given a blow of a knife on the vital part of the body, i.e., on the neck. The deceased has sustained the entry wound oval shape 3x7 cm. just above the root of neck left side, penetrating through the neck dissecting to common carotid, there is an exit wound also. Thus, from the nature

of the wound, it can be ascertained that the force was used by the present appellant while giving the blow of knife on the vital part of the body. Thus, considering the circumstances under which the alleged incident has taken place, there is direct evidence. Death of the deceased is caused due to the hypovolemic shock. The intention of the present appellant can be gathered from the circumstances. Considering the prima-facie case, the learned Special Judge has rightly rejected the application. There are criminal antecedents against the present appellant, which are ten in number.

Thus, considering all these aspects, no case is made for grant of bail. In view of that, there is no reason to interfere with the order passed by the Special Judge, Warud. In view of that, the appeal is devoid of merit and liable to be dismissed. Accordingly, I proceed to pass the following order.

The criminal appeal is **dismissed**.

[URMILA JOSHI-PHALKE, J.]