



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 488 OF 2026

Prakash Shankar Sonawane,
Age : ____ Years, Occu. : Labour,
R/o Pimprala, Hudco,
Jalgaon. .. Applicant

Versus

The State of Maharashtra .. Respondent

Ms. Rani K. Agrawal, Advocate for the Applicant.
Shri C. V. Bhadane, A.P.P. for the Respondent – State.
Shri Harshal P. Randhir, Advocate for the Intervenor.

CORAM : SHAILESH P. BRAHME, J.
DATE : 23RD APRIL, 2026.

FINAL ORDER :

. Heard both sides.

2. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 33/2025 registered with Ramanand Nagar Police Station, Jalgaon for the offences punishable U/Sec. 190, 191(3), 191(2), 189(2), 324(4), 118(2), 109 and 103(1) of the Bhartiya Nyaya Sanhita, 2023.

3. The applicant is arrested on 19.01.2025. The charge sheet is filed on 17.04.2025. It is reported to the police that deceased Mukesh Shirsath married with Pooja before three to four years,

which was not liked by the parents and the relatives of Pooja. On fateful day i. e. 19.01.2025 at 9.00 am, when informant was proceeding to his shop, accused met the informant and his deceased brother and started threatening the deceased. They started assaulting him by scythe and chopper on his neck. Simultaneously informant and his parents were also been assaulted. When his uncle Nilkanth and other family members started proceeding towards police station for lodging complaint, they are abused, threatened and assaulted. Nilkanth Shirsath, Lalita Shirsath, Sunny Shirsath and Komal Shirsath are alleged to have received injuries. Mukesh is stated to be scummed to the injuries.

4. Learned counsel for the applicant Ms. Rani Agrawal submits that statements of independent witnesses have not been recorded when incident took place at broad day light at public place. All witnesses are family members and interested. The supplementary statement of the informant would indicate that Nilkanth was being assaulted by the applicant on neck by chopper. The author of the fatal injury is said to be accused No. 1 – Satish Kedar. The allegations against the applicant are omnibus and only to the extent of assault on Nilkanth. The postmortem report does not support the prosecution theory. There was no reason after four years of marriage to take a revenge of deceased and his family members. The injuries sustained by the eye witnesses are simple in nature. The weapons are recovered at the instance of accused Nos. 1 – Satish

Kedar. Lastly, it is submitted that statement of Pooja has not been recorded.

5. Learned A. P. P. submits that its case of honour killing. The accused were against the love marriage and had grudge against the deceased Mukesh. They formed unlawful assembly to approach the victim with weapons. A clear case is made out of *mens rea*. The weapons are recovered. Applicant has actually participated in the incident. The injured eye witnesses are consistent. Application for bail of one of the co-accused Vicky Gangale has been rejected by the Coordinate Bench.

6. Learned counsel Mr. Randheer adopts the submissions of the learned A. P. P. It is submitted that his client Pooja has strong objection for enlarging the applicant on bail.

7. First information report reveals that love marriage between deceased and Pooja had taken place before three to four years. The accused and the victims are residing in the same vicinity. Accused had come with the weapons on the fateful day. The informant and the injured witnesses are the eye witnesses. The deceased is stated to have been assaulted by knife on his neck. It further reveals from the statements of witnesses that Nilkanth, Lalita, Sunny, Karan and Komal were also assaulted and they were referred to medical examination. However, one of the witness Komal was not referred to and her MLC is not available.

8. The supplementary statement of informant shows that applicant was armed with scythe and co-accused were also armed with weapon. The deceased who was trying to rescue was chased by accused No. 1, who was armed with chopper and a deadlier blow was inflicted on his neck, due to which he collapsed immediately. The injured eye witnesses are consistent in their statements that applicant assaulted Nilkanth by chopper and all accused assaulted the witnesses.

9. The medico legal certificate of the Nilkanth would indicate two simple injuries that is CLW on neck and forehead. The certificates of Sonya, Sunny, Karan and Lalita would indicate simple injuries on their persons. There appears to be exaggeration from the statements of the witnesses and the first information report. The witness Komal is also alleged to have been assaulted, but she was not referred to medical examination. My attention is adverted to the inquest panchanama. In column No. 22 only one injury was noticed on the neck. Further attention is invited to the postmortem report. Its column No. 17 shows a stab injury on the neck, which was sufficiently deep and the cause of death is stated to be hemorrhagic shock due to right internal jugular vein injury. In all probabilities, the injury report in column No. 17 is fatal. The author of the said injury as per the statements of the witnesses and the informant is accused No. 1 – Satish.

10. It is stated in the first information report and the statements of the witnesses that Mukesh was being brutally assaulted, but surprisingly only one injury that too on neck is noticed. In such a situation, the exaggeration of the events cannot be ruled out.

11. It is vehemently stated by the learned A. P. P. that by implication of Sec. 149 I. P. Code equivalent to 190 of the B. N. S, the liability of the applicant is co-extensive with the main culprit. The role attributed to the applicant is totally different. Whether the liability can be extended U/Sec. 149 of the I. P. C. to the accused would be matter of trial. *Prima facie* there is no evidence to show that there was common intention and knowledge to eliminate the deceased. The marriage had taken place before four years. It is incomprehensible that the assailants residing in the same vicinity, would eliminate the deceased after four years. I have gone through order passed by the coordinate Bench in Bail Application No. 157 of 2026. The submissions advanced by the learned counsel in the present case have not been adverted to. The role attributable to co-accused – Vicky is different. The order would not be an impediment for releasing the present applicant on bail.

O R D E R

- A. The bail application is allowed.
- B. Applicant – Prakash Shankar Sonawane shall be released

on bail in respect of Cr. No. 33/2025 registered with Ramanand Nagar Police Station, Jalgaon for the offences punishable U/Sec. 190, 191(3), 191(2), 189(2), 324(4), 118(2), 109 and 103(1) of the Bhartiya Nyaya Sanhita, 2023 on condition of furnishing P. R. bond and S. B. of Rs. 50,000/- (Rs. Fifty thousands only) with one solvent surety of like amount.

C. The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

D. The applicant shall cooperate in expeditious disposal of trial.

E. The applicant shall surrender his Aadhar and Pan cards to the investigating officer.

F. The applicant shall stay away from Jalgaon city till conclusion of the trial, save and except attending the date of the Trial.

G. The applicant shall give his mobile/cell number and address to the investigating officer.

H. Bail application is disposed of.

[SHAILESH P. BRAHME J.]