

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

928 BAIL APPLICATION NO.1395 OF 2020

ASHWIN GOPAL SATHE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. A. S. Sawant h/f Mr. V. P. Golewar.
APP for Respondent-State : Mr. A. S. Shinde.
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CORAM : V. K. JADHAV, J.
DATE : 17.12.2020

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No.14 of 2019 registered with MIDC Police Station, District Latur for the offences punishable under Sections 302, 324, 143, 144, 147, 148, 149 of the IPC. His application with similar prayer below Exh.9 in Sessions Case No.33 of 2019 came to be rejected by the learned Additional Sessions Judge, Latur.

2. The learned counsel for the applicant submits that, the investigation is over and the charge-sheet has been submitted. The applicant is in jail in connection with the present crime since 17.01.2019. This is the first application for bail after

filing of the charge-sheet. The learned counsel submits that as per the allegations made in the complaint, there was a dispute in respect of the agricultural field between the informant and co-accused Vilas. Co-accused Vilas and the informant are real brothers inter-se. The learned counsel submits that the applicant is nephew of the informant so also of co-accused Vilas. The applicant is having no concern with the said dispute between the brothers in respect of the agricultural field. The learned counsel submits that there is no apparent motive for the applicant to join the hands with co-accused Vilas and commit the murder of the deceased. The learned counsel submits that there are allegations to the extent that the present applicant was armed with the weapon stick and extended the beating to the deceased with the help of said stick. The learned counsel submits that considering the weapon in the hands of the applicant, it cannot be said that he has shared the common intention of the other co-accused persons particularly, the intention of co-accused Vilas. The learned counsel submits that there is no criminal history. The applicant is having his roots in the society. He is easily available for trial. The applicant is ready to abide any condition, if imposed by this

Court while enlarging him on bail. The applicant may be released on bail.

3. The learned APP has strongly resisted the application on the ground that there are four eye witnesses to the incident. The deceased Aakash was accompanied by servant, working in their agricultural field, on yearly basis namely Yuvraj. The said witness Yuvraj had also sustained the injuries in the incident. The learned APP submits that the deceased was ruthlessly beaten. There are in all 50 external injuries on the various parts of his body. It further appears from the evidence of the witnesses that there was a prior concert of minds and in prosecution of the common object, the applicant and the co-accused assaulted the deceased with the deadly weapons. The learned APP submits that the applicant is a history sheeter and there are four crimes registered against him, so far. The learned APP submits that afterwards the present applicant along with the other co-accused persons hatched the conspiracy from jail and committed the murder of the informant. There is one another crime registered against the present applicant and other co-accused persons in connection with the said commission of murder. *Prima facie*, there is a

strong case against the applicant. There is strong possibility of tampering with the prosecution evidence. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the charge-sheet, it appears that there are four eye witnesses to the incident and injured eye witness Yuvraj has ascribed a specific role to the applicant. The applicant and co-accused persons formed an unlawful assembly, armed with the deadly weapon, extended beating to the deceased with a sole object to commit his murder. The same is reflected from Post Mortem Report, particularly in column No.17. There are in all 50 external injuries on the person of the deceased. There are corresponding internal injuries also. As per the opinion given by the team of Doctors conducted the Post Mortem Examination, "the death is due to multiple injuries". It is also shocking that after this incident, the informant was also murdered and the present applicant along with co-accused persons also booked in respect of the said killing. It appears that the separate crime has been registered against the applicant that he has hatched the conspiracy along with other co-accused persons in jail and

committed murder of the informant. In view of the same, there is a strong possibility of tampering with the prosecution evidence, if the applicant is released on bail. Hence, following order :

ORDER

The application is hereby rejected.

(V. K. JADHAV, J.)

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vmk/-