

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

921 BAIL APPLICATION NO.412 OF 2021

**PRALHAD ANNASAHEB THORE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. Satej S. Jadhav, Advocate for the applicant
Smt. D. S. Jape, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 31st August, 2021

PER COURT :-

1. Heard.
2. Facts leading to this application for bail under Section 439 of the Code of Criminal Procedure are that there was dispute between the deceased Kailas and the applicant Pralhad his father and brother Bhaskar. Witness Murlidhar Thore, who owns a tractor, said to Kailas that he would repair his common bund. The deceased accompanied the said Murlidhar. About one and half hours later, Ramkisan Thore, the adjoining owner informed the informant that the quarrel was going on between the deceased Kailas,

applicant, his brother Bhaskar and his father Anna. When the deceased was brought home, the informant noticed injuries all over his body. Thereafter, he realised that because of the beatings by the applicant, his father Anna and brother Bhaskar deceased sustained injuries. Informant is the mother of the deceased. On these allegations FIR came to be registered under Section 302 read with Section 34 of the Indian Penal Code vide C.R. No. 194 of 2020.

3. Learned counsel Shri. Jadhav for the applicant submits that there is no eye witness to the incident. He submits that the incident took place in the field of the applicant. There was a dispute between them on account of common bund. He, therefore, seeks release of the applicant on bail.

4. Learned APP Smt. Jape for the respondent/State submits that weapon has been recovered from the applicant. The deceased died due to multiple injuries. She submits that in such circumstance applicant may not be released on bail.

5. Admittedly there is no eye witness to the incident. According to Smt Jape Murlidhar Praksh Thore is an eye witness. From his statement it appears that he owns a tractor and he had given his tractor for ploughing the land of the applicant, Annasaheb Thore and applicant's brother Bhaskar. After 5 to 10 minutes, the deceased Kailas came there by his Omni car. Thereafter, altercation started between these four persons. It appears from the statement of Murlidhar that there was a free fight between the deceased and the applicant, his father and brother. The incident took place in the field of applicant.

6. Learned counsel Shri. Jadhav states on instructions that applicant's father Anna was also released on bail though his role in the offence is similar to the applicant. He submits that unfortunately, applicant's father Anna has left for heavenly abode.

7. Having regard to the circumstances in which the incident occurred, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount in connection with CR No. 194 of 2020 under Section 302 read with Section 34 of the Indian Penal Code registered with Pachod Police Station, Aurangabad Gramin on condition that he shall not enter the village till the framing of charge.
3. Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp