

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

44 BAIL APPLICATION NO.1044 OF 2021

DINESH @ DAGDU S/O. BHANUDAS MOLKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shete Gajanan S.
APP for Respondents/State : Mr. P.G. Borade
...

CORAM : M.G. SEWLIKAR, J.
DATE : 20th October, 2021

PC.:-

This is an application under Section 439 of the Cr.P.C. for releasing the applicant on bail in connection with Crime No. 128/2020 under Section 302, 323, 506 read with Section 34 of the I.P.C. registered with Aundha Nagnath Police Station, District Hingoli.

2. It is the prosecution case that there was a dispute between Bhanudas Molke on account of the road in front of house of the informant. The deceased is the son of the informant and the applicant is the son of the said Bhanudas Molke. Applicant used to threaten the deceased on the count that the informant had quarreled with the father of the applicant. On 20.05.2020, applicant came to the house of the informant at 10.00 pm and called the deceased out and took him near a water reservoir. The informant

followed them. He saw applicant, his brother Gajanan Molke and their father Bhanudas Molke and one Kalyan Molke. Accused Gajanan and Kalyan held the feet of the deceased, accused Bhanudas was slapping the deceased and beating with fist blows soon thereafter applicant fished out a knife and stabbed in the chest and on the left arm of the deceased. This incident was witnessed by the informant and one Amol Narayan Pole. The deceased Madhav was shifted to the hospital. During treatment deceased died and, therefore, FIR was accordingly lodged on 21.05.2020 under the aforesaid offences.

3. Heard Shri Shete learned counsel for the applicant and Shri Borade learned APP for the State.

4. Shri Shelke submits that a false case is filed against the applicant. He submits that there is delay in lodging the report. He further submits that the applicant is only 20 years of age. He had no intention to kill the deceased. He further submits that any stringent condition can be put on the applicant.

5. Learned APP opposed the application.

6. The informant himself is an eye witness. Another eye witness is Amol Narayan Pole. Both of them have stated that the deceased was held by Gajanan Molke and Kalyan Molke and applicant stabbed in the chest of the

deceased. Post mortem report also shows that the deceased had total six injuries which were caused by hard and sharp object and age was less than 24 hours. Having regard to the evidence collected by the prosecution, I am not inclined to release the applicant on bail. Hence, the application is dismissed.

7. These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]