

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

942 BAIL APPLICATION NO.1226 OF 2021

- 1) Ankush Muktiram Lale
Age: 62 years, Occu.: Agri / Milk Business
- 2) Murdi @ Pintu S/o Muktiram Lale
Age: 40 years, Occu.: Milk Business / Agri.
- 3) Venkat S/o Muktiram Lale
Age: 50 years, Occu.: Milk Business / Agri.
- 4) Dinesh S/o Ankush Lale
Age: 30 years, Occu.: Agri.,
All above R/o. Village : Hasegaon,
District Latur. ..Applicants

VERSUS

- . The State of Maharashtra
Police Station Officer,
Ausa P.S. District - Latur. ..Respondent

...
Advocate for Applicants : Shri Chandrakant P. Patil
APP for Respondent : Shri S.D.Ghayal

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CORAM : M.G.SEWLIKAR, J.

DATE: 16th November, 2021

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicants on bail in connection with Crime No.155 of 2021 registered with Ausa Police Station, Dist.Latur, under Sections 302, 34 of the Indian Penal Code.

2. It is case of the prosecution that deceased Tanaji was the son of the informant and applicant No.1. On 24th May, 2021 at 06:00 p.m. applicant No.1 had called the informant as daughter of a prostitute, which the deceased Tanaji did not like and he confronted applicant No.1. Thereupon, deceased Tanaji was assaulted by applicant Nos.1 to 3 and accused No.4. Therefore, deceased Tanaji was annoyed with the applicants and accused No.4. Under influence of liquor, he set the fodder on fire. On 25th May, 2021, informant heard commotion. She saw that all the accused assaulted the deceased by means of a stick, iron rod and milk Can. Deceased died in the assault. On the report of the mother of the deceased, Crime No.155 of 2021 came to be registered under the aforesaid Sections.

3. Heard Shri C.P.Patil, learned counsel for the applicants and Shri S.D.Ghayal, learned APP for the respondent State.

4. When this Court expressed its disinclination to grant any relief to applicant Nos.1 to 3, Shri Patil, learned counsel for the applicants sought permission to withdraw their application. Therefore, application to the extent of applicant Nos.1 to 3 is disposed of as withdrawn.

5. So far as applicant No.4 is concerned, the only role ascribed to him is that he had held the deceased by his hair. FIR and the charge-sheet do not show any other role to have been ascribed to applicant No.4. Moreover, applicant No.4 is deaf and dumb as is evident from arrest panchanama. Having regard to the role of applicant No.4 and the fact that he does not have criminal antecedents, I am inclined to release applicant No.4 on bail. Hence, the order.

ORDER

- i) Bail Application is partly allowed.
- ii) Application to the extent of applicant Nos.1 to 3 is disposed of as withdrawn.
- iii) Applicant No.4 – Dinesh S/o. Ankush Lale be released on P.R.Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.155 of 2021, registered with AUSA Police Station, Dist.Latur, under Sections 302, 34 of the Indian Penal Code.
- iv) Bail Application is disposed of.

**(M.G.SEWLIKAR)
JUDGE**