

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

33 BAIL APPLICATION NO.1687 OF 2021

Murli @ Murlidhar Maruti Nagargoje ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

CRIMINAL APPLICATION NO. 254 OF 2022

Ravindra s/o Trimbakrao Mundhe ...Applicant

Versus

1.The State of Maharashtra

2. Murli @ Murlidhar Maruti Nagargoje ...Respondents

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Advocate for Applicant : Shri Shailesh P. Brahme

PP for Respondent – State : Shri D. R. Kale

Advocate for the informant to assist PP : Shri M. P. Kale

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CORAM : M. G. SEWLIKAR, J.

DATED : 31-01-2022

PER COURT :-

1. Heard.

2. Informant has three daughters by the name of Shubhangi,

Rajashri and Tejaswini and two sons by the name of Ravi and Yash. On 28th July, 2020 at 08.00 p.m. informant saw accused Dipak Munjaji Nagargoje with two unknown persons. Accused Dipak did not like Ravi chit-chatting with sister of accused Dipak. Accused Dipak said to the informant Trimbak Maruti Mundhe to call the son of the informant by the name of Ravi. Informant said to accused Dipak that Ravi had been to Parbhani and informant would call Ravi in the morning. Soon thereafter applicant Munjaji Nagargoje, accused Waman Nagargoje and the applicant came there. Thereupon, accused Dipak delivered a blow of scythe on the left thigh of the informant. Accused Dipak again assaulted the informant with scythe. As a result of which informant sustained injuries on thumb of his left hand and on the left part of the neck. Applicant Munjaji delivered a blow of stick on the hand of the informant. On hearing commotion, Rajashri and Shubhangi came there and tried to rescue the informant. At that time, accused Dipak molested Rajashri by holding her hand and pulling her to him. Since Rajashri resisted, accused Dipak delivered a blow of scythe on her both hands and back. Applicant Munjaji delivered a blow of stick on the hand of Rajashri. When Shubhangi came to rescue Rajashri, accused Dipak molested Shubhangi by pulling her towards him. Shubhangi raised shouts. Accused Dipak delivered a blow of scythe on her left hand and applicant Munjaji beat her by means

of a stick.

3. The informant was shifted to the Hospital in an auto and was admitted in Spandan Hospital, Parbhani. Informant died during treatment. Therefore, offences under Sections 302, 307, 354-A, 324, 504, 506, 143, 147, 148, 149, 120-B of the Indian Penal Code, Section 135 of the Maharashtra Police Act and Section 4/25 of Arms Act, came to be registered against the applicant and other accused.

4. Charge-sheet is filed. On perusal of the charge-sheet it is seen that the applicant did not play any role in the incident. His role is only to the extent of instigating the other accused to assault the deceased and his daughters. He is not likely to flee from justice.

5. Learned counsel Shri Brahme for the applicant submits that the daughter of the Munjaji and son of the informant by the name of Ravi got married. He submits that the cause of incident was the love affair between Ravi and Sandhyarani.

6. Learned counsel Shri Kale for the informant assisting the PP does not dispute this position. Learned counsel Shri Kale submits that applicant has criminal antecedents. However, considering the role of the applicant, I am inclined to release the

applicant on bail. Hence, the order :

ORDER

- (i) Application is allowed.
- (ii) Applicant be released on bail on his furnishing PR bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount in connection with CR No. 365 of 2020 under Sections 302, 307, 354-A, 324, 504, 506, 143, 147, 148, 149, 120-B of the Indian Penal Code, Section 135 of the Maharashtra Police Act and Section 4/25 of Arms Act registered with Gangakhed Police Station, District Parbhani on condition that he shall not enter Taluka Gangakhed District Parbhani and shall not keep any contact with the family of the informant till the conclusion of the trial.
- (iii) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.
- (iv) Criminal Application No. 254 of 2022 for assist to PP is disposed of.

[M.G.SEWLIKAR, J.]

shp/-