

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

BAIL APPLICATION NO. 813 OF 2022

Munjaji @ Mogu s/o Nivrutti Paul	... Applicant
Versus	
The State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO. 798 OF 2022**

Rajesh Panditrao Poul	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. S. J. Salunke, Advocate for applicant in BA/813/2022
Mr. E. P. Sawant, Advocate for applicant in BA/798/2022
Mr. S. P. Sonpawale, APP for respondent - State

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CORAM : R. G. AVACHAT, J.
DATED : 04th OCTOBER, 2022

PER COURT :-

. These are the applications for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No. 0071/2022, registered at Palam Police Station, District Parbhani, for the offences punishable under Section 302 read with 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

3. The FIR has been lodged by the wife of the deceased on 27.03.2022. The deceased was serving as sugarcane harvester. The applicants are said to be the '*Mukadam*' in the very profession. It is the case of the prosecution that the deceased was paid advance of Rs.25,000/- from the applicants in respect of the work for them. He started work with some of other '*Mukadam*'. The applicants, therefore, allegedly kidnapped him and assaulted with sugarcane and sticks. The applicants themselves took him to the hospital. The deceased died on the following day i.e. on 27.03.2022.

4. The learned APP has strong reservations to grant applicants bail on the ground of seriousness of offence. The Medical Officer could not give conclusive opinion as regards cause of death of the deceased. The opinion is - 'cause of death is uncertain'. There were eight injuries on the person of the deceased. The applicants have been behind the bars for about six months. On investigation, the charge-sheet has been filed. It will take time for commencement and conclusion of trial. The Court is therefore inclined to grant the applicants, bail. Hence, following order:

ORDER

- (i) The Bail Applications are allowed.
- (ii) The applicants be released on bail in connection with Crime No. 0071/2022, registered at Palam Police Station, District Parbhani, for the offences punishable under Section 302 read with 34 of the Indian Penal Code, on their executing P. R. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) each with surety bond each of the like amount.
- (iii) The applicants shall be released on bail with effect from 01.11.2022.
- (iv) The applicants shall attend the concerned Police Station once a week i.e. on every Sunday by 12.00 noon till conclusion of trial.
- (v) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]