

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

BAIL APPLICATION NO. 1126 OF 2022

Namdeo Mungaji Ingole

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

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Mr. D.S. Ingole, Advocate h/f Mr. N.S. Ghanekar, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent – State
Mr. H.V. Patil, Advocate for assist to A.P.P.

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CORAM : R.G. AVACHAT, J.
DATE : 22nd AUGUST, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 67 of 2022 registered with Goregaon Police Station, Dist. Hingoli for the offences punishable under Sections 302, 324, 143, 147, 148, 149, 448 and 504 of the Indian Penal Code ('I.P.C.') and under Section 135 of the Maharashtra Police Act.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by father of the deceased. The informant was also a victim. He too was assaulted. It is the case of the prosecution that when the deceased was sleeping in front yard of his residence, the applicant and the co-accused, seven in number, came armed with sticks at the night of 05th April, 2022 and assaulted the deceased mercilessly.

4. Learned A.P.P. and learned counsel for the intervenor would submit that it is a case of honor killing. The grand-daughter of the applicant was in love with the deceased. Number of crimes for the offence punishable under Section 354 of the I.P.C. were registered against the deceased only to ensure that he would leave the village. On the day on which he returned home, the applicant and co-accused eliminated him. Attention of this Court was also invited to the postmortem report to indicate number of fractures the deceased had suffered as a result of the assault. According to them, if the present applicant is granted bail, others may ask for bail on the ground of parity. Both of them, therefore, urged for rejection of the application.

5. True, the deceased was assaulted mercilessly. There is eye witness account as well. The applicant and co-accused had assaulted the deceased with sticks. Considering the fact that the present applicant is seventy-five years of age, this Court is inclined to grant him bail.

6. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 67 of 2022 registered with Goregaon Police Station, Dist. Hingoli for the offences punishable under Sections 302, 324, 143, 147, 148, 149, 448 and 504 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD