

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1400 OF 2022

MINAS MUKINDA KALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Aniket D. Bhosale, Mr. D. S. Ingole
APP for Respondent/State : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 10-10-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.
2. The learned counsel for the applicants would argue that even if the first information report is accepted as it is on its face, the applicants cannot be arraigned as an accused. The injuries sustained as alleged in the first information report by the deceased were caused by the other co-accused. There were no signs of throttling. The bare allegations levelled against the applicants are that they were present on the spot of the incident and beat the deceased with fists and blows. It was just fight between the two groups. The intention is missing. The applicants are father and son. They are the bread winner of their family. The allegations against them are vague. Hence, they may be released on bail.
3. The learned A.P.P. has strongly opposed the application and

would argue that there was a dispute between two families on partition. The deceased was suffering from the various ailments. The applicants were knowing about the health of deceased, even then they assaulted him on his chest and neck. Referring to the investigation papers, he argued that there were eye witnesses to the incident. The wife of the deceased is also injured.

4. Perused the papers. Undisputedly, no weapon has been used. There are no allegations of causing the injury to the deceased by the applicants. The general allegations were made against them that they beat the deceased with kicks and blows. The post mortem report also does not show the serious injuries. The applicants are behind the bar since 17th July 2022. Nothing is to be recovered from the applicants. The material investigation against the applicants appears to have been completed. Considering the facts of the case as well as role attributed to the applicants, they are entitled to bail. Hence, the following order :-

- i) Application is allowed.
- ii) Applicant Nos. (1) Minas s/o. Mukinda Kale and (2) Paresh @ Parvesh s/o. Minas Kale, be released on bail, on furnishing PB and SB of Rs.25,000/- each, with one solvent surety of the like amount, in C.R. No. I-172 of 2022, registered with Belwandi Police Station, District Ahmednagar, for the offence punishable under Sections 302, 143, 147, 452, 323, 427 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951.

**(S. G. MEHARE)
JUDGE**