

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

44 BAIL APPLICATION NO.460 OF 2023

VIJAY NAMDEO INGOLE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 20.03.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The deceased was an accused in many cases of outraging the modesty. Hence, he started residing outside the village. However, on the day of the incident, he had been to his village. It is alleged by the father of the deceased that on the day of the incident, the applicant and others came to his home. The present applicant assaulted him with stick on his hand and all accused beat the deceased by sticks.
3. Learned counsel for the applicant would point out that in the statement under Section 164 of the Cr.PC., he has given the material contradictory statements that all the accused came

there, switched off the light and then assaulted. He also argued that cause of death is also not ascertained yet. The alleged weapon has been seized from the applicant. The charge sheet has been filed. Hence, he may be granted bail.

4. Learned APP would argue that the offence is serious. All the accused came on the spot of the incident with premeditation and executed their intention by killing the deceased with sticks. Hence, he may not be granted bail.

5. It appears that the deceased had no good reputation in the village. There were many cases of outraging the modesty of women against him. Many people appears to have annoyed with him due to his character. Whether the cause of death is possible by assault with sticks is a question of fact. There are no antecedents to the discredit of the applicant. It seems to be an outcome of the bad character of the deceased. The investigation has been completed. Considering the nature of the case, the Court is of the view that if the bail is granted, no harm would cause to the prosecution. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(ii) Applicant **VLJAY NAMDEO INGOLE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.67 of 2022, registered by Police Station Goregaon, District Hingoli, for the offences punishable under Sections 302, 326, 324, 143, 147, 148, 149, 448, 323, 504, 506 of the IPC and Section 135 of the Maharashtra Police Act, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
- (c) He shall not meet the parents of the deceased and other so called witnesses in the incident till the conclusion of the trial.

(S. G. MEHARE, J.)

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vmk/-