

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1292 OF 2023**

1. Balaji S/o. Nivrutti Yegade,
Age: 54 years, Occu.: Agri,
R/o. Shirol Janapur, Tq. Udgir, Dist. Latur
2. Balkrishna S/o Ganpati Yegade,
Age: 33 years, Occu. Agri,
R/o. As above. ..Applicants

Versus

The State of Maharashtra,
Through Police Station Incharge,
Udgir Police Station (Rural)
Tq. Udgir, Dist. Latur. ..Respondent

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Mr. V. D. Gunale, Advocate for the Applicants.
Mr. S. B. Narwade, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 24th AUGUST, 2023.**

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The applicants are seeking bail under Section 439 of the Cr.P.C. in Crime No.241/2018 registered with Udgir (Rural) Police Station, Dist. Latur for the offence punishable under Section 302, 326, 323, 143, 147, 148, 149, 504 of the Indian Penal Code.
3. The investigation was set in motion on the basis of the FIR dated 17.07.2018 given by Ramrao Vitthal Kasale. The allegation in the FIR states about the dispute over agriculture land between the family of the informant and the family of the

Balaji Yegade i.e. accused no.4. It is alleged that on 10.07.2018, the accused Balaji Yegade had started agricultural operations in the land, which was obstructed by Godavaribai and her grandson. The quarrel started amongst the persons present in the field. The accused Pooja and Dnyaneshwar assaulted on head of the deceased Maruti using Sickle. The accused Balaji has also inflicted blows on head using Chabuk. Resultantly, he suffered bleeding injuries and consequential death. The FIR speaks about the presence of applicant no.2 Balkrishna alongwith other accused. The prayer of the applicant for grant of regular bail after filing charge-sheet has been rejected by the Sessions Court. Hence, the applicants are before this Court.

4. Mr. Gunale, learned Advocate appearing for the applicants would submit that there is dispute over agriculture land between the informant party and the accused. All of them are agriculturists. He would submit that after due investigation, charge-sheet is filed and investigation is over. He points out that during Covid period from 20.05.2020 till June-2022, the applicants were enlarged on temporary bail and they have reported back. They have not misused the liberty during that period. He would further submit that although applicant no.2 is named in the FIR, no specific role is attributed against him. He would further submit that the head injuries suffered by the deceased can be attributed to the blows given by other accused persons i.e. Pooja and Dnyaneshwar. Therefore, he submits that the applicants may be enlarged on bail.

5. Per contra, learned APP would submit that the incident took place in a field. The dispute started on account of rights over the agriculture land. The Godavaribai, who is old lady

and deceased were resisting activities of the accused in the agriculture field. However, the accused persons have brutally murdered the deceased Maruti using deadly weapons. He would submit that all the accused persons are responsible for his death. Section 149 of the Indian Penal Code is applied. He would submit that the trial is prolonged on account of obstruction/hurdles created by the applicants.

6. Having considered the submissions advanced, apparently the dispute is on account of cultivation of the agriculture land. The allegations in the FIR are supported by the police statement of Bhanudas as well as Godavaribai. The medical evidence supports version in the FIR. The charge-sheet is filed. The investigation is over. On perusal of the police statement coupled with the FIR, it can be seen that minimal role is attributed against the Balkrishna i.e. applicant no.2. He was present in the field, but no specific role is attributed against him particularly in relation to the injuries suffered by deceased Maruti. Definitely there is some evidence against applicant no.1 Balaji.

7. Mr. Gunale, learned Advocate appearing for the applicants at this stage submits that he would not press plea for bail in respect of applicant no.1-Balaji Nivrutti Yegade and seeks permission to withdraw the application.

8. In that view of the matter, the case is made out for grant of bail to applicant no.2 on certain conditions. Hence, the following order :

ORDER

(i) Bail Application is partly allowed.

(ii) The applicant no.2-Balkrishna Ganpati Yegade be released on bail in Crime No.241/2018 registered with Udgir (Rural) Police Station, Dist. Latur for the offence punishable under Section 302, 326, 323, 143, 147, 148, 149, 504 of the Indian Penal Code on executing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicant no.2 shall not tamper with the prosecution evidence in any manner.
- b. The applicant no.2 shall attend the trial and cooperate in early disposal of the case.

(iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE