

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 BAIL APPLICATION NO.1711 OF 2023

1. Rajendra Narayan Kakulte
Age 41 years, Occu : Agri.,
2. Pravin Narayan Kakulte,
Age 38 years, Occu : Agri.,
3. Sharad Narayan Kakulte,
Age 37 years, Occu : Agri.,
4. Pradip Narayan Kakulte,
Age 36 years, Occu : Agri.,
5. Narayan Namdeo Kakulte,
Age 38 years, Occu : Agri.,
6. Sachin Karbhari Kakulte,
Age 31 years, Occu : Agri.,
7. Karbhari Namdeo Kakulte
Age 61 years, Occu : Agri.,
8. Yatin Karbhari Kakulte,
Age 34 years, Occu : Agri.,

All R/o Khatkheda,
Tq. Kannad, Dist. Aurangabad.

...**APPLICANTS**

VERSUS

The State of Maharashtra

...**RESPONDENT**

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Advocate for Applicants : Mr. Rahul S. Pawar
APP for the Respondent – State : Mr. S. B. Narwade

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 13.10.2023

PER COURT :-

1. Applicants are seeking Regular Bail in connection with Crime No. 254/2023, dated 08.08.2023 registered with Pishor Police Station, District Aurangabad (Rural) for the offences punishable under Sections 302, 304, 120(B), 324, 323, 143, 147, 504 and 506 of the Indian Penal Code.
2. The investigation was set in motion on the basis of information given by Ratan Nathu Pawar, who alleges that on 06.08.2023, a boy namely, Nakul threw a chit at their house. The Narayan who is son of the informant picked the chit and shown it to all of them. It was allegedly written by Nandini who is residing in the neighbourhood of the informant. The content of the chit depicts that the Nandini has love affair with Narayan i.e. son of the informant.
3. The parents of the Nandini were informed about the chit, however, Nandini refused to have written said chit. Thereafter the father of the Nandini threatened Narayan.
4. At about 08.00 p.m. in all 17 accused persons arrived at the house of informant. They were holding deadly weapons in their hands and attacked the family members of the informant. It is further alleged that the accused Pradip, Rajendra, Sachin and Sachin Nikam dragged Narayan and thrown in the well. The cause of death of

Narayan is due to drowning. On the basis of report, the offence in Crime No. 254/2023 has been registered against the accused persons and they were arrested on 08.08.2023. The applicants moved application for grant of bail before the Sessions Court. However, their plea came to be rejected by order dated 01.09.2023. Hence the present application.

5. Mr. Pawar, learned Advocate appearing for the applicants would submit that there is the delay in lodging the F.I.R. Although the incident took place at about 08.00 p.m. in the evening, the F.I.R. is lodged on next date at about 04.00 p.m. A false story is made to implicate all the family members of the accused. He would submit that the Narayan committed suicide, however, colour is given of the murder. He would point out that the allegations are made in the complaint that deceased was dragged upto the well by accused. But there is no explanation as to why witnesses or his family members have not intervened. He would further submit that the allegations in the complaint are vague and omnibus. Therefore, he urges to release the applicants on bail.

6. Learned APP strongly opposes the prayer. He would invite attention of the Court to Post Mortem report particularly abrasions seen on the hand of the deceased and submit that accused persons had initially assaulted to the deceased. He would further invite

attention of the Court to the statements of the eye witnesses namely Deoman Pawar, Meerabai Pawar and Dipak Pawar suggest that the deceased was pushed in well by the accused persons. He would further submit that the investigation is still in progress. The offence is serious. Hence he urges to reject the application.

7. Having considered the submissions advanced, it is apparent that the incident of throwing a chit has created the quarrel between the two families. Apparently, there is the delay in lodging F.I.R. The investigation paper shows that the family members of the deceased are consistently alleging that the deceased has been pushed into well by the accused persons. However, the statements of independent eye witnesses namely Vilas Pawar, Babasaheb Trimbak Pawar, Sachin Kakulte, Rohit Nevre suggest that Narayan jumped into the well. The Post Mortem Report shows cause of death to be drowning in the well. *Prima-facie*, the case of the prosecution do not inspire confidence. All the family members of the accused are implicated in the crime. In that view of the matter case is made out for grant of bail. However, to secure the interest of the prosecution, some conditions are required to be imposed. Hence following order:

ORDER

- [i] The application is allowed.
- [ii] The applicants namely (1)Rajendra Narayan Kakulte, (2) Pravin Narayan Kakulte, (3) Sharad Narayan Kakulte, (4) Pradip

Narayan Kakulte, (5) Narayan Namdeo Kakulte, (6) Sachin Karbhari Kakulte, (7) Karbhari Namdeo Kakulte (8) Yatin Karbhari Kakulte, be released on bail in connection with Crime No. 254/2023, dated 08.08.2023 registered with Pishor Police Station, District.Aurangabad (Rural) for the offences punishable under Sections 302, 304, 120(B), 324, 323, 143, 147, 504 and 506 of the Indian Penal Code., on their furnishing P.B and S.B. in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each.

- [iii] The applicants shall not tamper with the prosecution evidence in any manner.
- [iv] The applicants shall not establish contact the persons named in charge-sheet.
- [v] The applicants shall not enter village Khatkheda, Taluka Kannad till filing of the charge-sheet.
- [vi] The applicants shall attend the police station once in a week i.e. on every Saturday between 10.00 a.m. to 02.00 p.m.
- [vii] The application is accordingly disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

shp/-