



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

BAIL APPLICATION NO.2059 OF 2023

NAGORAO LAXMAN WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. A. D. Hande, Advocate for the Applicant.
Mr. S. A. Gaikwad, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th DECEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.136/2023 registered with Umri Police Station, Dist. Nanded for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by one Srihari Marotrao Jadhav, Police Patil, alleging that on 30.05.2023 he received secrete information that on 28.05.2023 at about 9.30 to 10.00 pm the accused Nagorao Laxman Waghmare and his grandsons namely Pradip Bhandare and Sainath Bhandare have killed Sanjay Bhandare and dead body is buried in the pit of the field. On the basis of the aforesaid information, offence under Section 302, 201 r/w 34 of the Indian Penal Code came to be registered against the applicant and the co-accused. The supplementary statement of the first informant came to be recorded on 10.06.2023, wherein he states that the incident has been witnessed by Shivaji Bhujangarao Jadhav, Dattahari Baluji Waghmare, Balu @ Kalidas Ashok Waghmare and they have narrated that deceased Sanjay Bhandare was

raising demand of share in compensation amount received toward acquisition of land for canal and also seeking partition of the agricultural land from the applicant and causing ill-treatment to his own wife under the influence of liquor. For that reason, his sons namely Pradip and Sainath assaulted him by iron rod. Consequently, he lost life. Thereafter all the accused persons concealed dead body in the field.

3. It appears that the applicant is arrested on 30.05.2023. Since then, he is behind the bar. The investigation progressed. During the course of investigation, the statement of Shivaji Jadhav, Mahanand Sanjay Bhandare, Vishwambhar Dashrath Jadhav are recorded. It appears from the said statements that the deceased was causing nuisance to his family members on account of his habit of drinking liquor. On the date of incident, the victim made an attempt to strangulate his wife. Thereafter, his sons namely Pradip and Sainath assaulted him by iron rod. Consequently, he lost the life. Perusal of the aforesaid statements depict that no specific role is attributed against the applicant so far as assault to the deceased. Such allegations are restricted against accused nos.1 and 3. The applicant is aged more than 70 years. As per Aadhaar Card his age is approximately 79 years. Although, there are further allegations which constitutes offence under Section 201 of the Indian Penal Code, role of the applicant cannot be gathered from the material on record. Consequently, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Nagorao Laxman Waghmare, be released on bail in Crime No.136/2023 registered with Umri Police Station, Dist. Nanded for the offences punishable under Sections 302, 201,

34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall attend each and every date of hearing before the Trial Court.
 - c. The applicant shall co-operate for early disposal of the trial.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE