



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.727 OF 2023

(Jivan s/o Dadarao @ Hirachandra Patil Vs. The State of Maharashtra thr. PSO PS
Chandura Bazar, Dist. Amravati)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. M. Rai, Advocate for Applicant.
Mr. N. H. Joshi, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 5th DECEMBER, 2023.

By this application, the applicant is seeking bail under section 439 of Cr.P.C. in connection with Crime No.136/2023 registered with Police Station Chandur Bazar, District Amravati for the offences punishable under sections 302, 143, 147, 148 and 149 of the Indian Penal Code. The applicant is arrested on 18.02.2023.

2. Mr. Rai, the learned applicant for the applicant submitted that the present applicant is arrested as accusation is made against him on the basis of report lodged by wife of the deceased Rekha Janrao Patil who alleged that her husband is having agricultural land at Mouza Borala bearing gat No.72/2 and there is a dispute between the co-accused Prafulla Dadarao Patil and the deceased on account of the said land. On 18.02.2023 at about 09:00 a.m. when deceased had been outside the house, at the relevant time co-accused Prafulla Patil along with the present

applicant other co-accused came in-front of the house holding iron rods and sticks in their hands they had quarreled with the deceased, they tied the hands and legs of the deceased and dragged him in-front of the house of one Ramesh Shah and at the same place the deceased was assaulted by iron rod and sticks. Due to assault the deceased has sustained grievous injuries and succumbed to the death.

3. The learned counsel for the applicant Mr. Rai submitted that as far as the allegation against the present applicant is concerned it is general in nature that he along with the other co-accused assaulted the deceased. The injury sustained by the deceased nowhere shows that he was dragged, as no injuries are sustained by him either on the back or on chest and abdomen. As far as the allegation against the present applicant is concerned which is only to the extent that he assaulted the deceased by means of stick. Now, investigation is completed and charge-sheet is filed. Further custody of the present applicant is not required, no purpose would be served by keeping him behind the bar.

4. The learned APP has strongly opposed the application on the ground that the allegation in the FIR shows that the applicant and other co-accused not only assaulted the deceased but he was dragged to some extent and thereafter, assaulted. If applicant/accused is released on bail he will tamper with the prosecution witness and prays for rejection of the application.

5. Having heard the learned counsel for the applicant and learned APP for the State. Perused the investigation papers. After going through the recitals of the FIR and the statements it is alleged that there was previous dispute on account of the land between the deceased and the co-accused Prafulla Patil who is the nephew of the deceased. It is alleged that it was co-accused who has assaulted the deceased by means of iron rod on his legs and chaste. The postmortem report shows that the deceased had sustained the injuries on his legs which are in the nature of fracture of the radius ulna lower 1/3rd. The deceased has also sustained the multiple contusions on the chest and abdomen. As far as the allegation of dragging is concerned no corroborative injuries are found in the P.M. report. Considering the allegation against the present applicant there is general allegation against him. Now, the investigation is completed and charge-sheet is filed.

6. In the light of the above circumstances and considering that further incarceration of the applicant will be purposeless. In view of that application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

[i] The application is allowed.

[ii] The applicant be released on bail in connection with Crime No.136/2023 registered with Police Station Chandur

Bazar, District Amravati for the offences punishable under sections 302, 143, 147, 148 and 149 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

[iii] The applicant shall not induce, tamper or promise any witnesses who are connected with the alleged crime.

[iv] The applicant shall furnish his mobile number and address with the address proof.

7. The application is disposed of.

JUDGE