



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 BAIL APPLICATION NO. 56 OF 2024

Arjun Hiranman Bhil
VERSUS
The State of Maharashtra

...
Advocate for Applicant : Mr. Chaitanya C. Deshpande
APP for Respondent: Mr. Nikhil D. Raje

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 14th MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 332 of 2023 registered with Shirpur City police station, District – Dhule for the offences punishable under Sections 302, 323, 504, 506 read with 34 of the I.P.C. His application with similar prayer bearing criminal bail application No. 866 of 2023 came to be rejected by the learned Additional Sessions Judge, (Court No.5), Dhule vide order dated 27.10.2023.

2. The informant, brother of Dnyaneshwar, lodged a report on 22.7.2023 stating that his wife died before 15 to 20 years. On 17.7.2023, at about 8.00 p.m. Dnyaneshwar, brother of the informant went for consuming liquor. He came back and said that the applicant and co-accused Sagar were there for drinking liquor. That time the

applicant teased him and said that “तुझी बायको आख्या गावात झवाडत फिरायची असे मला चिडवत होता.” That time, he told that now there is divorce with his wife but the applicant abused him and threatened to kill him. At about 8.30 p.m. the applicant and co-accused Sagar went to the house of Dnyaneshwar and had started to beat him by fist and kick blows. That time, Gopal Patil, Vinod Patil, Lotan Patil, Balvant Thakare and some other persons went to rescue that quarrel but co-accused Sagar picked up Dnyaneshwar and forcibly thrown him. He picked up an iron pipe and assaulted on his head. Dnyaneshwar fell down. When the informant and other went to picked up Dnyaneshwar, Sagar thrown an iron rod towards them and threatened them that he will also assault them, therefore, they all too did not intervene in the quarrel. Thereafter, the applicant and co-accused Sagar assaulted Dnyaneshwar by fist and kick blows on his face, chest and stomach. Dnyaneshwar became unconscious. When Lotan Patil requested them not to beat him, they both threatened that he will eliminate him. Thereafter, on 18.7.2023 Dnyaneshwar became unconscious and fell down. He was immediacy admitted in the Cottage hospital, Shirpur. Thereafter, he was shifted to Hire Medical Hospital, Dhule. On 21.7.2023 Dnyaneshwar succumbed to the injuries and died in the hospital. The report was lodged on 22.7.2023.

3. Learned advocate for the applicant submitted that the

charge sheet is submitted. The investigation is over. The applicant has not assaulted Dnyaneshwar by iron rod. The applicant will not flee from trial, the trial will take a long time, the applicant has roots in the society and the applicant has no criminal antecedents. He therefore prayed for allowing the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime of murder. The applicant and co-accused Sagar assaulted Dnyaneshwar in furtherance of their common intention who succumbed to the injuries and died. There is evidence of eye witnesses. Post mortem report shows that Dnyaneshwar died by severe injuries. Considering the serious nature of the crime, he lastly prayed to reject the application.

5. Perused the charge sheet, particularly report and the statements of witnesses. The post mortem report shows that Dnyaneshwar died by head injury. It is fact that the applicant has not used iron rod. Considering his role as well as the fact that he has no criminal antecedents, he will not flee away from the trial, the trial will take a long time, the application deserves to be allowed on certain stringent conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 332 of 2023 registered with Shirpur City police station, District – Dhule for the offences punishable under Sections 302, 323, 504, 506 read with 34 of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall not enter into Balkuwe village, Tq. Shirpur, district Dhule till conclusion of trial.
 - c) If any breach of the above conditions is noticed by the trial court, the trial court is at liberty to proceed further for cancellation of bail granted to this applicant without reference to this court.

(SANJAY A. DESHMUKH, J.)

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