



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 BAIL APPLICATION NO. 289 OF 2024

1) Mayur Liladhar Tayade (Koli)
2) Devidas s/o Madhukar Pawar (Bhil)

VERSUS

The State of Maharashtra

Advocate for Applicant : Mr. Magre Sunil G
APP for Respondents: Mr. Satish A. Gaikwad

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. 179 of 2023 registered with Bhusawal city police station, District Jalgaon for the offences punishable under Sections 302, 307, 143, 147, 149, 323, 504, 506 of the I.P.C. and under sections 37(1), 37(3) and 135 of the Maharashtra Police Act. Their application with similar prayer bearing criminal bail application No. 53 of 2024 came to be rejected by the learned Additional Sessions Judge, Bhusawal, vide order dated 5.2.2024.

2. The informant averred in the report that on 01.09.2023, at about 10.15 p.m. when he was in his house, at that time his cousin Shantaram Salunkhe came to him and told him that when he was standing near Pooja Pan Center and saw towards co-accused

Deepak Chagan Tayade, who was also standing near to the said Pan shop, Deepak Tayade hurled abuses to him. The informant alongwith his cousin Rakesh Bholenath Salunke, Shantaram Bholenath Salunkhe and friend Ramesh Ashok Ingle proceeded on motor cycles towards said Pooja Pan Center. Upon reaching there, they saw that Deepak Tayade, Manoj More, Amol Koli, Mayur Koli, Deva Bhil, Kiran Sapkale and other four persons were standing there. The informant asked Deepak Tayade as to why he abused Shantaram. Deepak Tayade immediately took out a chopper from his pant's pocket and assaulted below his left ear. Other accused persons started to assault him by iron pipes. Manoj More, Deva Bhil and Mayur Koli were having iron pipes. They started to beat the informant and others by iron pipe. That time, Amol Koli, Kiran Sapkale and other four persons assaulted the informant and his cousin Shantaram, friend Ramesh, by fist and kick blows. They also assaulted him by stone. They were saying that all these persons shall not be left alive, they shall be eliminated and were abusing the informant and others. That time, cousins of the informant Shantaram and Rakesh and friend Ramesh sustained serious injuries and they fell down. The persons beating them ran away. Blood was oozing from the bodies of injured. The informant was frightened. He was admitted in the Rural Hospital at Bhusawal. Thereafter, he was shifted to Ulhas Patil hospital. Thereafter, during his treatment, he came to know that his cousin Shantarm and Rakesh are no more. Therefore, report was lodged.

3. Learned advocate for the applicants submitted that the investigation is over and custody of the applicants is not necessary. Except the informant, there is no eye witness to the incident. The statement of 3 to 4 persons are recorded after 3 to 4 days of the incident. There is no recovery at the instance of the applicants. The applicants are ready to reside outside Bhusawal city. The presence of the applicants can be secured for trial as they have no criminal antecedents. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicants are involved in serious crime of murders of three persons in one and the same incident. Considering the serious nature of crime, there is possibility of pressurizing the prosecution witnesses and tampering with evidence. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the statements of witnesses as well as the post mortem report. All the three persons died due to homicidal death. The applicants are involved in serious crime for which life imprisonment or death penalty is prescribed. If they are released on bail they will certainly pressurize the prosecution witnesses. They are therefore, not entitled for bail as per the guidelines of the Hon'ble Supreme Court as held in the cases of **Deepak Yadav Vs. State of Uttar Pradesh**

and another, (2022) 8 SCC 559 and ***Shahzad Hasan Khan Vs. Ishtiaq Hasan Khan and another, (1987) 2 SCC 684***. Considering all these aspects, the application deserves to be rejected. The application therefore, is rejected.

(SANJAY A. DESHMUKH, J.)

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