



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

960 BAIL APPLICATION NO. 310 OF 2024

TEJASING NARSING BAVRI
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Rajendra S. Deshmukh, Senior Counsel, i/b Mr. Devang R. Deshmukh &
Mr. Vishal Arjun Chavan, Advocates for Applicant.

Mrs. Dipali S. Jape, APP for Respondent/State.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 10th May, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C."), for grant of regular bail in connection with Crime No.335 of 2023, registered with Kadim Jalna Police Station, District Jalna, for the offence punishable under Section 302 read with 34 of the Indian Penal Code.

3 The informant averred in the report that on 29th July, 2023 at about 10:00 am, this applicant and co-accused Hardipsingh came to her house. They took her husband Azadsingh. For entire day her husband did not come back. Therefore, she made phone call on the mobile phone of this applicant, but he was not responding. In the evening at about 07:00 pm, this applicant made phone call to the

informant and told her that he and Hardipsingh committed murder of her husband Azadsingh at Fukatpura, Old Jalna and they are taking him to Dipak Hospital, Jalna. She went there. Then she came to know that her husband is admitted in GHATI hospital. She went there and saw that her husband was dead. Therefore, she lodged the report against the applicant and co-accused immediately.

4 The learned senior counsel for applicant submitted that the applicant is falsely implicated in the crime. The applicant has roots in the society. He will not flee away from the trial. Trial will take long period. Further custody of the applicant is not necessary. No any incriminating article is seized from the spot. The CCTV footage shows that there was some quarrel in between the deceased and both the accused. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the postmortem report and submitted that this applicant and co-accused have assaulted the husband of the informant seriously and committed his murder. The evidence of informant's husband was last seen with this applicant and co-accused shows that the applicant is the author of the crime. The learned APP for the State pointed out number of crimes registered against this applicant. The applicant has criminal antecedents. There is evidence of independent witness Suwarnabai Kamble, which shows that those

three persons proceeded by the motorcycle towards Dukhi Nagar and they were quarreling. When Suwarnabai Kamble went there, the applicant and co-accused ran away. Considering all these important aspects, it is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statement of witness Suwarnabai Kamble. The incident took place in the daylight in the presence of eye-witness Suwarnabai Kamble. That time, this applicant took out a knife, assaulted on the left chest of the deceased and committed his murder and also took Azadsingh on their motorcycle for admitting him the hospital.

7 The applicant and co-accuse Hardipsingh have following criminal antecedents:-

- 01) Crime No.168 of 2018 u/s. 379 of IPC
- 02) Crime No.64 of 2020 u/s. 457, 380 of IPC
- 03) Crime No.47 of 2019 u/s. 379 of IPC
- 04) Crime No.133 of 2021 u/s. 379 of IPC
- 05) Crime No.136 of 2021 u/s. 379 of IPC At. Taluka Jalna
- 06) Crime No.224 of 2021 u/s. 379 of IPC
- 07) Crime No.367 of 2022 u/s. 379, 34 of IPC
- 08) Crime No.216 of 2022 u/s. 142 of IPC and Section 4/25 Arms Act, At. Sadar Bazar.
- 09) Crime No.316 of 2020 u/s. 461, 380 of IPC
- 10) Crime No.124 of 2021 u/s. 457, 380 of IPC
- 11) Crime No.582 of 2021 u/s. 457, 380 of IPC
- 12) Crime No.763 of 2021 u/s. 461, 380 of IPC

- 13) Crime No.956 of 2022 u/s. 379, 34 of IPC
- 14) Crime No.219 of 2021 u/s. 457, 380 of IPC
- 15) Crime No.238 of 2023 u/s. 457, 380 of IPC

8 The applicant's involvement in this serious crime alongwith other crimes shows that he is having serious criminal antecedents. He will pressurize the witnesses. His role is apparent and there are eye-witnesses to the incident of assault on the husband of the informant. Considering the serious nature of this crime and fact that the applicant has serious criminal antecedents, he cannot be released on bail. Therefore, the application deserves to be rejected. The application is rejected.

[SANJAY A. DESHMUKH, J.]

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