



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 BAIL APPLICATION NO. 593 OF 2024

1. Kailas Bhaurao Shinde
2. Prabhakar Kaduba Shinde
3. Aabarao Kashinath Shinde

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Superintendent of Police

..RESPONDENTS

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**WITH
BAIL APPLICATION NO. 550 OF 2024**

1. Padmabai Pundlik Shinde
2. Gayabai Vishwnath Shinde
3. Radhabai Waluba Shinde
4. Indirabai Rangnat Ugale

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Superintendent of Police

..RESPONDENTS

**WITH
BAIL APPLICATION NO. 551 OF 2024**

1. Rangnath Trimbak Ugale
2. Amol Rangnath Ugale @ Patil

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. Superintendent of Police

..RESPONDENTS

**WITH
BAIL APPLICATION NO. 625 OF 2024**

Aaba Pundlik Janjal

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. Superintendent of Police

..RESPONDENTS

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Advocate for Applicant : Mr. Ghanekar Nilesh S.

APP for Respondent/State : Mr.R.D. Raut

Advocate for Assist to P.P. : Mr. A. K. Bhosle

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**CORAM : SANJAY A. DESHMUKH, J.
DATED : 23rd APRIL, 2024.**

PER COURT :-

1. The applicants are seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicants have been arrested in connection with crime No.0072 of 2024 registered with Sillod Rural Police Station, Dist. Aurangabad, for the offences punishable under sections 302, 307, 452, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. Informant averred in the report that his brother Vishal was having love affair with the niece of Sachin Tatyarao Jangale resident of Sarola, Tq. Kannad. Both the sides are not agree for marriage. However, her marriage was performed.

3. On 24.02.2024, the main accused Sachin Jangle along with Ankush Jangle, real brothers came to the house of informant at

about 7.30 to 8.00 a.m. and dragged his father and Vishal out of the house. Sachin and Ankush took out the knife and assaulted Vishal and his father Eknath. Vishal sustained injury to his left wrist and stomach by that knife and he died on the spot. Eknath sustained injury to his stomach. It is also averred in the report that applicant Padmabai, Gayabai and Radhabai also entered into the house of informant. They assaulted Vishal. It is alleged that the applicant Padmabai and Gayabai twisted the private part of Vishal during the incident and also they assaulted by sticks to the informant and others. Thereafter, they ran away by the car. Accordingly, the report was lodged and the applicants were arrested.

4. The learned advocate for the applicants submitted that main assailants Sachin and Ankush, who assaulted Vishal and his father by knife are not applicants. As far as role of all the applicants are concerned except Padmabai and Gayabai, it is alleged that some of the applicants assaulted informant and witnesses by sticks. The name of Amol Ugale- applicant in Bail Application No.551 of 2024 is not mentioned in the report. He submitted that application was submitted to the Investigating Officer to call the call details of some of the applicants as they were not present there. He pointed out that till today those call details are not collected by the Investigating Officer. Mobile shooting has displayed in the Court while hearing this applications, however, that is not helpful to ascertain role of particular

applicants. He further submitted that except Sachin and Ankush, other applicants are falsely involved in the crime. Practical investigation is over. The applicants in Bail Application No.550 of 2024 are women. The applicants have roots in the society. The applicants will not flee away from the trial. The trial will take long period. He, therefore, lastly prayed to allow the applications.

5. The learned APP for the respondent-State strongly opposed the applications and pointed out the postmortem report, injury certificate and statements of the witnesses. He further pointed out the spot panchanama by which the sticks are seized from the spot of incident. He submitted that the applicants are booked for serious crime for which punishment of life imprisonment is prescribed. He therefore lastly prayed to reject the applications.

6. The learned advocate for assisting to the prosecution strongly opposed the applications and submitted that the applicants are involved in the serious crime. Section 149 of the Indian Penal Code is invoked against the applicants. He is relying upon the authority in the case of ***Parshuram V/s State of Madhya Pradesh*** reported in ***AIR 2023 SC 5685***, in which law is laid down that as per section 149 of the Indian Penal Code, in unlawful assembly, it is not necessary that every person constituting unlawful assembly must play an active role for convicting him with the aid of section 149 of the Indian Penal Code. He lastly submitted that the investigation is

not over. If the applicants are released on bail, they will certainly tamper with the prosecution evidence and pressurize the prosecution witnesses. He lastly prayed to reject the applications.

7. Perused the papers of investigation, particularly the postmortem report and injury certificate. The spot panchanama is drawn up. The statement of injured Eknath shows that all the applicants particularly the lady applicants are involved in the crime. His statement is recorded after more than one month. As far as the sticks used for commission of crime, there is no such swelling injury sustained to anybody. At this stage, meticulous consideration of evidence is not proper. However, considering the peculiar set of the fact particularly the practical investigation is over, the custody of the applicants is not necessary for further investigation, the applicants have roots in the society, the applicants will not flee away from the trial and the trial would take long period, the applicants deserve to be released on bail on the principle that bail is rule and jail is exception, on certain stringent conditions. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicants in connection with crime No.0072 of 2024 registered with Sillod Rural Police Station, Dist. Aurangabad, for the offences punishable under sections 302, 307, 452, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code be

released on bail on furnishing personal bond of Rs.50,000/- each with one surety of the like amount by each of them on following conditions:-

- a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- b) The applicants shall not enter in village Pimpalgaon Ghat, Kelgaon, Tq.Sillod, Dist. Aurangabad, till the conclusion of the trial.
- c) The applicants shall attend the trial regularly.

III. If any breach of the above conditions is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to these applicants without further reference to this Court.

IV. All the above observations are prima facie in nature for the purposes of deciding the bail applications and the trial Court shall not get influenced by the same at the time of final hearing of the case.

(SANJAY A. DESHMUKH, J.)

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