



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 BAIL APPLICATION NO. 562 OF 2024

Sumit Anand Kokre

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. Shinde Dhananjay M.
APP for Respondent/State : Mr. R.D. Raut

...
WITH
BAIL APPLICATION NO. 605 OF 2024

Mahavir Parmeshwarsingh Rajpurohit

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. Granthi Manpreet Ajeet Singh
APP for Respondent/State : Mr. R.D. Raut

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

PER COURT :-

1. Leave to amend the prayer clause (A) in Bail Application No.605 of 2024.
2. 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.345 of 2023

registered with Police Station, Itwara, Dist. Nanded, for the offences punishable under sections 302, 307, 120(B), 294, 201, 387, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, sections 4/25 and 27 of the Arms Act and section 135 of the Maharashtra Police Act.

3. It is averred in the report that Sagar Premchand Rautre (Yadav) was son of maternal uncle of informant. They used to run shop of daily needs and finance at Juna Ganj, Nanded. It is further averred in the report that on 06.11.2023, at about 4.00 p.m., Sagar called the informant from his shop that Keshav Nahare (Pawar) co-accused is demanding money from him and threatening that if he failed to pay that amount, he will not allow him to continue his business of daily needs and finance. He is frequently making repeated extortion calls. Co-accused Keshav, however also threatened to kill him if he is not ready to pay that amount. That time, informant suggested Sagar to lodge the report but Sagar said him that co-accused Keshav will not spare him as he has threatened to kill him. On the same day at about 8.00 p.m., the applicants and co-accused went to meet one Bandewar at Tirupati Jewelers. They were carrying swords, daggers, knives in a nylon sack. They dragged Sagar and Monu by caught holding their collar of shirts and asked them to sit on their motorcycle. Sagar and Monu refused to sit on their motorcycle. Therefore, they took out the weapons from nylon sack and started to assault them. They were abusing them in filthy

language. They were saying that they are from K.B. gang and he did not know the same. Then they abused and questioned as to why he is not paying the money. Other shop owners started closing their shops. When the informant attempted to intervene to rescue Sagar and Monu, they started to assault them with the weapons. They assaulted Sagar. Sagar felled down in front of Tirupati Jewelers Shop. Thereafter, when they noticed that Sagar became unconscious, they fled away. Sagar sustained injuries to his head and stomach. He was immediately admitted in Yashosai Hospital, Nanded by his friends Manusing and Gurulalsing on their motorcycle. Doctor declared him as dead. Monu, who sustained injury was also treated. Therefore, the report came to be registered with Itwara Police Station.

4. The learned advocate for the applicant Sumit in Bail Application No.562 of 2024 submits that his name is not mentioned in the report. The CCTV footage also does not show that he was assaulted. He submitted that the applicant is college going student. He has no criminal antecedents. Trial will take long period. He is falsely implicated in the crime. He will not flee away from the trial as he has roots in the society. It is lastly prayed to allow the application.

5. The learned advocate for the applicant Mahavir in Bail Application No.605 of 2024 submits that the applicant's name is mentioned in the report, however, he is falsely implicated in the crime and from the CCTV footage details, it does not appear that he has

participated in the crime while assaulting either Sagar or Monu. He is also college going student. He has roots in the society. He will not flee away from the trial. Trial will take long period. Custody of the applicant is not necessary. He has no criminal antecedents. He lastly prayed to allow the application.

6. The learned APP for the respondent-State strongly opposed the applications and submitted that both the applicants are involved in the serious crime of commission of murder for ransom. K.B. gang is active in Nanded. They are usually committing murder for extorting money by creating terror in the society particularly in the mind of shop owners. He pointed out the statements of the witnesses and the CCTV footage. The learned APP further pointed out applicant Mahavir Parmeshwarsingh Rajpurohit is seen while he is sitting on the motorcycle and proceeding. Considering his role, it is lastly prayed to reject the applications of both the applicants.

7. Perused the charge-sheet, particularly the statements of the witnesses, postmortem report and injury certificate of Monu. Name of applicant Sumit is not mentioned in the report. He has roots in the society. He is college going student. He will not flee away from the trial. Trial would take long period. Custody of the applicant is not necessary. Considering his role, he is entitle for bail on the principle that bail is rule and jail is exception.

8. As far as applicant Mahavir is concerned, he is also college going student. His name is mentioned in the report, however, his role is not specified that he actually assaulted either deceased or injured Monu. No doubt, both the applicants are seen in the CCTV footage, however, on their part overt act is not pointed out. In the statements of the witnesses their role is also not specified. Considering fact that the applicant Mahavir is also roots in the society, he will not flee away from the trial, the trial would take long period, the applications deserve to be allowed 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.345 of 2023 registered with Police Station, Itwara, Dist. Nanded, for the offences punishable under sections 302, 307, 120(B), 294, 201, 387, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, sections 4/25 and 27 of the Arms Act and section 135 of the Maharashtra Police Act, 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 the following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.

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.

(SANJAY A. DESHMUKH, J.)

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