



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 BAIL APPLICATION NO. 738 OF 2024

1) Kashinath Bhagwan Patil
2) Anil Madhukar Patil (Desale)

VERSUS

The State of Maharashtra

Advocate for Applicant : Mr. Patil Vijay Bhalerao
APP for Respondents: Mrs. Deepali S. Jape

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th MAY, 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. 88 of 2024 registered with Nardana police station, District Dhule, for the offences punishable under Sections 304, 323, 504, 506, 143, 149 of the I.P.C. Their application with similar prayer bearing criminal bail application No. 304 of 2024 came to be rejected by the learned Additional Sessions Judge, Dhule vide order dated 19.4.2024.

2. It is averred in the report that the applicants and other accused persons, particularly the main accused Suresh Sahebrao Desale dragged the husband of the informant from the chair, who was handicapped and thereafter thrown him away. He sustained injuries to his chest. Thereafter, the husband of the informant was assaulted

by fist and kick blows. He was taken to the hospital where he succumbed to the injuries.

3. Learned advocate for the applicants submitted that the main accused is Suresh Desale who dragged the husband of the informant from wheel chair and he sustained injuries to his chest. The husband of the informant was 75 years old and due to old age he succumbed to the injuries. The incident took place all of a sudden. The applicants are co-brothers of the main accused Suresh. Therefore, they have been falsely implicated in the crime. 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 names of the applicants are mentioned in the F.I.R.. They have participated in the crime. The post mortem report shows that certain injuries are sustained to the chest of the husband of informant. Though the age of the deceased was 75 years old, the applicants and co-accused have seriously assaulted him due to which he died. Considering the role of these applicants, it is lastly prayed to reject the application.

5. Perused the charge sheet, particularly report, the post mortem report and the statements of witnesses. No doubt, the names of these applicants are mentioned in the report, however, the main accused is Suresh Desale who dragged the husband of the informant

sitting on the chair and who was handicapped and he fell down. He sustained serious injuries to his chest. It is further averred in the report that the applicants and other accused persons assaulted the husband of the informant by fist and kick blows. Considering the role of these applicants, the application deserves to be allowed. Entire investigation in the case is over. The applicants have roots in the society, they will not flee away from the trial, the trial will take long period. The applicants have no criminal antecedents. The application therefore, deserves to be allowed on the principle that the bail is rule and jail is exception, on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicants in connection with crime No. 88 of 2024 registered with Nardana police station, District Dhule, for the offences punishable under Sections 304, 323, 504, 506, 143, 149 of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- each with one surety each of the like amount on following conditions:-
 - a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicants shall not enter in the vicinity of village Malich, Tq. Shindkheda, district Dhule till filing of the

charge sheet.

- c) If any breach of the above conditions are noticed by the trial court or the prosecution, the trial court is at liberty to cancel the bail of these applicants without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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