



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

915 ANTICIPATORY BAIL APPLICATION NO. 898 OF 2024

LAHU YADAV PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.B.R. Warma, Advocate for the applicants.
Mr.K.K. Naik, APP for the respondent-State.
Mr.P.H. Patil, Advocate for assist to APP.

CORAM : KISHORE C. SANT, J.
DATE : 06.08.2024

PC :-

01. This application is filed seeking release of the applicants on bail in the event of their arrest in connection with Crime No.65 of 2024 registered with Marwad Police Station, Dist. Jalgaon for the offences punishable under sections 302, 323 r/w 34 of the Indian Penal Code. The applicants are shown as accused Nos.6,7 and 8 in the said offence.

02. It is alleged by one Ujwalabai Prabhakar Patil, wife of deceased that her husband Prabhakar had gone on his motorcycle to some other place at 4.30 p.m. At 5.30 p.m. the informant and her mother-in-law received information from one Raju Naik that deceased Prabhakar was lying on the road going towards agricultural field. Said Raju gave him water. On receiving this information, they immediately

went to the spot and found that the deceased was lying in the field. On asking, the deceased told that the accused persons along with present applicants obstructed his working of putting murum on the road. The deceased requested the applicants to allow the dumber carrying murum to unload murum on road. It is alleged that all the accused persons beaten up the deceased with wooden sticks and logs. He again asked for water. By the time the mother of the deceased went to get water, the informant made him to take water. Within few minutes she found that the deceased was not making any movement. On taking the body to the hospital by ambulance, he was declared dead. The allegation is that there was dispute between the two parties since long and because of the dispute, the deceased was murdered.

03. The learned Advocate for the applicants argued that in the present case there is no specific role attributed to any of the accused person. Omnibus allegations are made against all the accused persons. It is not clear as to who has exactly beaten up the deceased with wooden log. Applicant No.1 is old aged person of 75 years. Applicant Nos. 2 and 3 are ladies and therefore he prays for bail in the event of their arrest. He further submits that these applicants are already protected by interim order of this Court. There is no complaint of misuse of their liberty.

04. The learned APP with the assistance of learned Advocate Mr. Patil vehemently opposed the application. He submits that the offence is serious one. There is recovery of wooden log at the instance of accused No.4 Rupesh Patil. He further submits that the deceased died of serious injuries. From the postmortem notes, it is clear that he received more than ten injuries. The probable cause of death is also stated to be due to hemorrhagic shock due to injuries mentioned in column Nos. 15 to 22. He further submits that there are criminal antecedents against these applicants and they are involved in various offences because of rivalry between the parties. He submits that when there is admitted rivalry between the parties, it would not be safe to release the applicants on anticipatory bail. Investigation is still in progress. Charge-sheet is not filed. There are several crimes pending against the applicants registered with same police station for the offences punishable under sections 143, 147, 148 and 149 of the IPC. In two offences, there are allegations under sections 504 and 506 of the IPC and in one offence there are allegations under sections 324 and 341 of the IPC.

05. On hearing the parties, this Court finds that though there is no exact allegation that any of the present applicants have used wooden

log, it is seen that the wooden log is recovered at the instance of accused No.4 Rupesh. In the circumstances this Court finds that this is not a fit case to release the applicants on bail in the event of their arrest. Their custodial interrogation is required.

06. Therefore, present anticipatory bail application is rejected.

[KISHORE C. SANT, J.]