



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

BAIL APPLICATION NO. 1367 OF 2024

1. VITTHAL VYANKATRAO BOKADE (JADHAV)
2. RAMESHWAR UDDHAVRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Satej S. Jadhav
APP for Respondent : Mr. A. S. Shinde
...

CORAM : S. G. MEHARE, J.

DATE : 30-08-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent.
2. The applicants seek bail in C.R.No.85 of 2024 registered with Gramin Police Station, Latur, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.
3. The prosecution has a case that the applicants assaulted the deceased and called Police-Patil. However, after assaulting with pipes, he suffered injuries and subsequently died.
4. The learned counsel for the applicants submits that the deceased was habitual drunkard. He was wandering naked after consuming liquor. At the time of the incident, deceased was wandering naked in the field. Hence, the applicants beat him and

drove him from their fields. So, he again came and started shouting. Immediately after the incident, the applicant No.1 made a phone call to his brother/applicant No.2 requesting him to call the Police Patil. The Police Patil came on the spot. Police Patil called the Police Officer. The Police took him. Thereafter, elder brother of the deceased came on the spot and took him immediately to the hospital. However, unfortunately, he died.

5. The contention of the applicants is that there was no intention to kill the deceased. It was just a re-action against the conduct of the deceased wandering naked after consuming liquor. The weapon/articles have been recovered. Applicant No.1 is 30 years old and applicant No.2 is 48 years old, having no antecedents to their discredit. They are peace loving persons. However, unfortunately, the incident happened at their hands. Hence, they may be granted bail.

6. The facts discussed above reveal that the deceased was drunken. He was wandering in the field naked. So, initially the applicants called him to go away. He was beaten with pipe. They called Police Patil and Policeman. His brother also came and took him to the hospital. In such circumstances, whether the applicants had *mens rea* may be a question to be determined during the trial. The applicants have no antecedents. The trial may take its time. The Court is of the opinion that there would be no harm to the

prosecution if the applicants are granted bail. Hence, the order:-

ORDER

- i) The application is allowed.
- ii) Applicants No. (1) Vitthal Vyankatrao Bokade (Jadhav) and (2) Rameshwar Uddhavrao Jadhav be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) They should not tamper with the prosecution witnesses.
 - (b) They should attend the trial on each and every date.

**(S. G. MEHARE)
JUDGE**

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