

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1401 OF 2024

Mohan Bhagwan Mule

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. More P. P.
APP for Respondent/State : Mr. A.S. Shinde

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 20, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.51 of 2024 registered with Bhada Police Station, District Latur for the offences punishable under Sections 302, 326 r/w 34 of the Indian Penal Code.
3. The injured, deceased and the applicant are close relatives. The incident happened due to filling the pit in the field of the first informant. It has been alleged against the applicant and co-accused that they were trying to fill up the pit. That time, the first informant and the deceased son asked them not to fill the pit. Thereon, the co-accused assaulted the deceased with deadly weapons on head and applicant pelted stones on the injured that cause a simple injury to him.

4. Learned counsel for the applicant would submit that the role attributed to the applicant is limited to pelting stones and causing simple injury. The deceased and injured were disturbing the work of the applicant and co-accused. They had deliberately dug the pit so that vehicles should not pass through the road. They had quarrel over the land since long. Nothing is to be recovered from the applicant. The applicant is languishing in jail since February 2024. The charge sheet has been filed.

5. Learned APP strongly opposed the application. He would submit that since the applicant and co-accused were intending to remove the crop from the field of the injured/first informant, hence, to prevent those acts, they had dug the pit in their field. However, the applicant and the co-accused tried to fill up that pit with an intent to remove the crop from the field of the first informant. They were aggressive and committed the serious crime. Though the role of the applicant is limited to pelting stones, he facilitated the co-accused to commit the murder. Hence, he may not be granted bail.

6. Perused the charge sheet. Considering the role attributed to the applicant, it appears that there was a quarrel between two families about the crop. The applicant allegedly pelted stones on the injured and he caused the simple injury. Both parties were present on the spot of the incident. The role attributed to the applicant could be segregated from the role attributed to the co-accused at this juncture.

Nothing is to be recovered from him. Hence, no purpose would be served by keeping him behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Mohan Bhagwan Mule, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
 - (a) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every date.
 - (b) The applicants should not enter Village Shivali, Taluka Ausa, District Latur for three months from the date of his release.

(S.G. MEHARE, J.)