



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 BAIL APPLICATION NO. 1517 OF 2024

1. SACHIN @ BHAIYA KASHINATH YADAV
2. SUJIT NANASAHEB NIMBALKAR
3. KAKA ARUN MORE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. More Abhijit S.
APP for Respondent-State : Mr. AAA Khan.

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CORAM : S. G. MEHARE, J.

DATE : 04.10.2024

PER COURT :-

1. Heard the learned counsel for the applicants and learned APP for the respondent-State.
2. Leave granted to correct the surname of the applicant Sachin in title clause. Necessary amendment be carried out forthwith.
3. The applicants seek bail in Crime No.98 of 2024, registered with Anandnagar Police Station, District Osmanabad (Dharashiv), for the offences punishable under Sections 302, 307, 326, 323, 341, 143, 147, 148, 149 of the IPC.
4. The incident happened on 18.03.2024. The deceased and his accompish had stolen the tractor of one of the co-

accused. However, they find them with the tractor as it was not operating. Therefore, the applicants apprehended the deceased. However, this accomplice ran away. Therefore, he was taken to one place. He was mercilessly beaten by iron rods and other like weapons. The car which was seized was used to being accomplice of the deceased. The deceased had suffered seven to eight injuries and died of the multiple injuries. The First Information Report is silent about the role attributed to the applicants. Subsequently the names of the applicants came to the light. A few eye witnesses also came forward. The applicants have been identified as the assailants and present during the incident. Nothing has been recovered from the applicants.

5. Learned APP would submit that they have played an active role. Instead of producing the deceased to the police they took the law in their hand and killed the person only on suspicion that he had stolen the tractor of one of the co-accused. As against this, learned counsel for the applicant submits that it was an incident happened in the hit of anger. Since the deceased and his accomplice were found with a stolen tractor and one of them flee away, the deceased was asked to call his accomplice. However, he did not support.

Applicant had no intention to kill him. Intention is the matter of appreciation of the evidence. The applicants have no antecedents to their discredit.

6. No doubt, the offence is serious. However, the prosecution cannot ensure the speedy trial. No weapons have been recovered at the instance of these applicants. They have no antecedents to their discredit. The trial would take its time. Considering the nature of the incident and the way in which it was happen, the Court is of the view that though the offence is serious, their further incarceration in jail would serve no purpose. However, the apprehension of the prosecution may be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Nos.1. **SACHIN @ BHAIYA KASHINATH YADAV**, 2. **SUJIT NANASAHEB NIMBALKAR**, 3. **KAKA ARUN MORE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount each, on the following conditions :

- (a) The applicants should not tamper with the prosecution witnesses.
- (b) They should not enter the village where the deceased was residing for six months from the date of their release.
- (c) He should attend the trial on each and every date.

(S. G. MEHARE, J.)

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vmk/-