



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

34 BAIL APPLICATION NO. 1589 OF 2024

MAHESH @ BHAIYYA GAJANAN MUKHMAHALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Naik Thigle Girish K.
APP for Respondent/State : Mr.G.O. Wattamwar

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CORAM : S. G. MEHARE, J.

DATE : 14th October, 2024.

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.218 of 2024 registered with Kurunda Police Station, Dist. Hingoli, for the offences punishable under sections 302, 323, 504, 506, 201 read with 34 of the Indian Penal Code.
3. The prosecution case in brief is that the incident happened near *Akhada* i.e. in a field of Ramkishan. When the first informant was standing near the field, Ramkishan came there on bike. He was frightened. Immediately, three persons on bike followed him. First informant identified two of them. Third was unknown, who was transpired to be the present applicant. Co-accused Krushna started beating the deceased. One of the co-accused Nitin was holding the dagger. The nephew of the deceased was saying them not to beat his maternal uncle. They were beating the deceased. The first informant

also reached there. He tried to pacify the dispute, but he was also threatened and asked not to intervene. Then, another accused Krushna taken out a knife from his waist, so the deceased started running. All the accused chased him. Co-accused Krushna stabbed the deceased with knife from his back. He fell down. He again got up and started running. He was again assaulted with knife on his left chest. In brief, the F.I.R. reveals that the deceased was trying to rescue, but the accused were again and again catching him and assaulting him with deadly weapon.

4. The learned counsel for the applicant referring to the statements of few of the witnesses under section 164 of the Criminal Procedure Code has argued that the incident narrated by two witnesses is altogether different. Therefore, it raises a doubt. He would submit that the applicant was not named in the FIR and there are no specific allegations against him. Referring the documents placed on record, he also argued that the applicant had played no role. The evidence against him is suspicious. There are no allegations that he assaulted the deceased with any deadly weapon. The charge-sheet has been filed. Trial may take its time. Hence, the applicant deserves bail.

5. The learned APP strongly opposed the application and by referring to the FIR and the statements of five witnesses argued that all the accused were aggressive. The witnesses present there were trying to pacify the dispute. However, they were not listening and threatening

them not to intervene their dispute. They killed the deceased. They were following him again and again. When he was trying to rescue, the accused were chasing and assaulting him with deadly weapon. Considering their conduct, the possibility of tampering with the prosecution witnesses cannot be ruled out.

6. Perused the papers.

7. There are eyewitnesses to the incident. The prosecution has a case that the deceased was trying again and again to save his life, all accused chased him and caused him injuries with deadly weapon again and again. Though, the first informant did not know the applicant, subsequently it was transpired that he was following the deceased. The incident itself shows their intention. It is a serious act for trivial reason.

8. Considering the facts of the case and the cause of death of the deceased, the applicant does not deserve bail.

9. For the above reasons, the application is rejected.

(S.G. MEHARE, J.)