



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

BAIL APPLICATION NO. 1936 OF 2024

NAVNATH APPARAV PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Nilesh J. Patil
APP for Respondent : Mr. A. A. Khan
...

CORAM : S. G. MEHARE, J.

DATE : 24-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.
2. The applicant seeks bail in C.R.No.0523 of 2023 registered with Naldurga Police Station, District Dharashiv (Osmanabad), for the offences punishable under Section 302 of the Indian Penal Code.
3. The applicant is a nephew of the deceased. They had quarrel over fetching the water. On the day of the incident, the deceased had been to the well in the field. When he was connecting wire to start motor of the pump, the applicant suddenly came from behind and assaulted him with sickle. When the deceased turned, he assaulted him on his face. The eyewitness nephew could not go there to intervene due to aggressiveness of the applicant. He saw the incident and lodged the report immediately. The injured was taken to the hospital where he was declared dead.

4. The learned counsel for the applicant relied on the statement of the brother of deceased, he stated that he received the phone call of the deceased. His statement raises a doubt, because, it was alleged that the deceased had serious injuries. The applicant has been falsely implicated in the crime. The eyewitness who was close to the deceased, should have shout and try to rescue the deceased, but he was silent. Therefore, his presence raises doubt.

5. The learned A.P.P. has opposed the application and contended that there is direct eyewitness to the incident. The offence is serious and grave. He does not deserve bail

6. Perused the papers.

7. There is a direct eyewitness to the incident. The applicant is known to the first informant being nephew of the deceased. The offence is serious. At this juncture, there are no circumstances to doubt the witnesses. In the circumstances, the applicant does not deserve bail.

8. Hence, application stands dismissed.

(S. G. MEHARE)
JUDGE

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