



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

**917 CRIMINAL APPEAL NO. 971 OF 2024**

Keshav Bhagwan Doiphode

....Appellant

**VERSUS**

The State Of Maharashtra And Another

.....Respondent

.....

Mr. Rajendrraa Deshmukkh, Senior Advocate a/w Mrs. A.S. Deshmukh i/b Mr. Devang Deshmukh and Mr. R.G. Dodiya, Advocate for Appellant

Mr. R.D. Raut, APP for State

Mr. S.G. Kawade, Advocate for respondent No. 2

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**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 19<sup>th</sup> DECEMBER, 2024**

**ORDER :**

1. Appellant has filed this appeal under section 14A of of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Atrocities Act') seeking regular bail in Crime No. 299/2023, registered with Selu Police Station, Dist. Parbhani, for offences punishable under sections 302, 143, 147, 148, 149 of IPC and under section 3(1)(v) of Atrocities Act and for quashing and setting aside order dated 14.10.2024, passed by learned Additional Sessions Judge, Parbhani, below Exhibit-79 in Special Case No. 131/2023.

*Bhagyawant Punde*

2. Respondent No. 2 lodged FIR on 07.08.2023 against Sadhana Doiphode, Keshav Doiphode, Poonam Doiphode, Mahadev Doiphode and Kausabai Doiphode alleging that she is Deputy Sarpanch of village Bramhangaon and Sadhana Doiphode is Sarpanch. Husband of Sadhana Doiphode namely Keshav Doiphode (appellant), Poonam Doiphode are Village Panchayat members and her husband is Mahadev Doiphode. They all were insisting that she should give resignation from the post of Deputy Sarpanch, else they will see her and her family members. On 05.08.2023 at about 9.30 am, Mahadev, Keshav and Kausabai came to her and insisted that she should tender resignation of her Deputy Sarpanch post. At that time, her son Nikhil told them that informant will not give resignation and they may do whatever they want. Then they left. Thereafter at about 6.00 pm, when her son Nikhil and husband Ramesh were standing near Dr. Babasaheb Ambedkar statue Sadhana, appellant- Keshav, Poonam, Mahadev and Kausabai came there and started giving slaps to her son and husband and were asking them as to why informant is not tendering resignation. Said fact was informed to informant by one Kiran Kambale. Informant then rushed to the spot and separated them. At that time, Keshav insulted them by taking name of her caste and

threatened to kill them. He again started assaulting Nikhil and her husband with rod. Mahadev, Sadhana, Poonam assaulted with stone on the head of Nikhil. Kausabai threw chili powder in the eyes of Nikhil. Even her husband was assaulted with fists and kick blows.

3. Heard learned Senior Advocate for the appellant, learned APP for State and learned advocate for respondent No. 2. Perused the record.

4. Learned Senior Advocate for the appellant submits that appellant is arrested on 07.08.2023 and charge sheet is filed on 31.10.2023. He submits that FIR is lodged belatedly after two days, appellant is falsely implicated in the present crime due to political rivalry between wife of appellant, who is Sarpanch and informant, who is deputy Sarpanch. He submits that taking into consideration that 66 cases of under trial prisoners are pending, trial is not likely to commence and conclude in near future, therefore, Trial Court ought to have granted bail to the appellant. Hence, impugned order may be quashed and set aside and appellant may be released on bail.

5. Learned APP and learned advocate for respondent No. 2 strenuously opposed the appeal contending that there is

sufficient evidence on record which shows that appellant is the author of the head injury, which has caused death of the deceased. If released, appellant will pressurize the prosecution witnesses. Hence, they submit that appellant is not entitled to be released on bail.

6. Indeed there is sufficient material on record to indicate that the appellant is the author of the fatal injury caused to the deceased, which has resulted into his death. There are seven eye witnesses to the incident of assault. The murder weapon is recovered from the appellant. In this view of the matter, this Court is not inclined to grant bail to the appellant at this stage. Hence, the appeal is rejected.

7. Liberty to the appellant to renew his prayer for bail, if trial does not conclude within one year from today.

**[NITIN B. SURYAWANSHI, J.]**