



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1008 BAIL APPLICATION NO. 2344 OF 2023

Mukesh @ Dnyaneshwar Rajendra Patil

VERSUS

The State of Maharashtra

Advocate for Applicant : Mr. Harshal P. Randhir and Ms. Rani Agrawal
APP for Respondents: Mr. Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 10th APRIL, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 141 of 2023 registered with Mehunbare police station, District Jalgaon, for the offences punishable under Sections 302, 201 r.w. 34 of the I.P.C. His application with similar prayer bearing criminal bail application No. 861 of 2023 came to be rejected by the learned Additional Sessions Judge, Jalgaon, vide order dated 8.11.2023.

2. A report is lodged by the applicant that his father was murdered by somebody else when he went to the agricultural land in the night of 7.6.2023 and 8.6.2023. It was revealed that the applicant and his brother both committed murder of their father Rajendra, because he was addicted to liquor and he used to trouble the family, beat the wife and also doubt her character. He was not bearing the

expenses of household articles.

3. Learned advocate for the applicant submitted that the case is based on circumstantial evidence. The applicant is falsely implicated in the crime. There is no such evidence that father of the applicant was addicted to liquor and there was no motive for commission of crime. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant has lodged the false report. The applicant would certainly pressurize the prosecution witnesses. There is strong motive against the applicant. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly, report and the statements of witnesses. The post mortem report shows that it was a case of homicidal death. The entire investigation is over. The further custody of the applicant is not required. The applicant has roots in the society, he will not flee away from the trial, the trial will take a long period. Considering the principle that bail is rule and jail is exception, the applicant deserves to be released on bail on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 141 of 2023 registered with Mehunbare police station, District Jalgaon, for the offences punishable under Sections 302, 201 r.w. 34 of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

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