



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

926 BAIL APPLICATION NO. 1575 OF 2024

RAGHUNATH TRIMBAK GORE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Ms.K.C. Deshpande h/f Mr.Deshpande
Chaitanya Chandrakant
APP for Respondent/State : Mr.A.S. Shinde

...
CORAM : S. G. MEHARE, J.
DATE : 18th October, 2024.

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants seek bail in Crime No.94 of 2024 registered with Sillod Rural Police Station, for the offence punishable under section 302 read with 34 of the Indian Penal Code.
3. The deceased was brother of applicant no.1 and uncle of applicant no.2. They had some dispute over the property. On the day of the incident, the deceased stayed in the field. At around 11:00 p.m., both applicants went to the Police Patil and told him that some unknown persons came in the field. They were asking them for money. They assaulted them. They also assaulted the deceased with iron rod and threw the deceased in the ditch of water. However, the prosecution has a case that it was a concocted story of the applicants. Their conduct was suspicious. There were no unknown persons as such

went to the field. The blood stained clothes from the applicants were recovered. No specific blood group is identified, but they had enmity with the deceased family. The circumstances against the applicants are strong.

4. The applicants have a case that since there was a quarrel over the property, the applicants have been falsely arraigned as accused in the crime. They had no role to play. They had immediately disclosed the incident to Police Patil. Applicant – Krushana had also suffered the injuries in the assault by those unknown persons. Their conduct was natural. On the next day when they were arrested, they were at home. Their post incident conduct was also natural. Merely the blood stained clothes recovered from them may not be a strong circumstance to believe that the applicants were the author of the crime. She would argue that the weapon allegedly used in the crime is not recovered from the applicants. Hence, they may be granted bail.

5. Perused the papers and material collected against the applicants.

6. The post incident conduct of the applicants appears *bona fide*. Immediately after the incident, they intimated the Police Patil and they did not flee away. The overall circumstance against them appears balanced. The investigation has been completed. Nothing is to be recovered from them. No purpose would be served by keeping the applicants behind the bar. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant no.1 – Raghunath Trimbak Gore and applicant no.2 – Krushna Raghunath Gore 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 by each of them, in the above crime for the aforesaid offences, on the following conditions :
 - (a) The applicants should not tamper with the prosecution witnesses.
 - (b) They should not contact the relatives of the deceased till the trial is concluded.
 - (c) They should attend the trial on each and every date and co-operate with the Trial Court to conclude the trial.

(S.G. MEHARE, J.)