



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

BAIL APPLICATION NO. 01 OF 2025

Pritam @ Banti S/o. Annarao Hajare,
Age : 21 Years, Occu. : Labour,
R/o. Kasar Jawala, Tq. & Dist. Latur.

**... Applicant
(Ori. Accused
No.3)**

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station Gategaon,
Tq. & Dist. Latur.

... Respondent

....
Advocate for Applicant : Mr. B.N. Patil
APP for Respondent-State : Mr. N.D. Batule
....

**CORAM : ABHAY S. WAGHWASE, J.
Dated : 05th February 2025**

ORDER :

1. The applicant seeks regular bail on account of his arrest in crime bearing No.0112 of 2024, registered at Gategaon Police Station, for offences under Sections 103(1), 352, 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
2. Taking through the FIR, learned counsel for the applicant pointed out that, alleged occurrence is of dated 10.09.2024, but the

report is lodged on 11.09.2024 and as such, it is delayed FIR. Learned counsel further pointed out that, the applicant has no concern with main accused and deceased. That, allegations levelled against the present applicant are that, he gave merely kicks and fist blows. That, he has not used any article or weapon. He is behind the bars since September 2024. That, nothing is further shown to be recovered or discovered at his instance and so, under such situation, learned counsel urges for grant of bail.

3. Learned APP opposed the bail application on the ground that, three persons are arrested and charge-sheeted. That, incident was planned. That, there are used of leather belt and wooden log, resulting into the death of Yogesh Bapurao Nilange. That, the present applicant is named and his role is also crystallized and according to learned APP, investigation is over and charge-sheet is filed. That, considering the nature of offence and nature of allegations, he seeks rejection of the application.

4. Perused the FIR at the instance of one Navling Dhumal. Sum and substance of his report is that, on 10.09.2024, when he and deceased Yogesh went towards Rudra Bar, Kasar Jawala to pick their friend Girish Lokhande, around 10.30 p.m., four persons approached

them on motorcycle. He further reported that, those four persons turn out to be their acquaintances namely, Tukaram Sahebrao Yadav, Pritam @ Banti Annarao Hazare (present applicant), Rushikesh @ Parmeshwar Ashok Lomte and Vaibhav Deepak Yadav. He has further reported that, Tukaram Yadav suddenly questioned the deceased why he did not wait when he was asked to and started abusing him and scuffled with him. Informant claims that at that time, he told Yogesh to go away from there and he accordingly went.

5. Informant further reported that, at that time, he caught hold of the present applicant, whereas remaining three went away and when again deceased Yogesh returned back, above two persons namely Tukaram Yadav and Rushikesh @ Parmeshwar Lomte returned and he has alleged that, at that time, Tukaram was having wooden log, whereas Rushikesh @ Parmeshwar was holding waist belt. As regards to the present applicant is concerned, he has alleged that, he gave kicks and fist blows to Yogesh. As a result of which, Yogesh fell down. After which, Rushikesh @ Parmeshwar used belt and Tukaram used wooden log in assaulting Yogesh. As a result of which, Yogesh felt unconscious. On above report, crime seems to have been registered.

6. As submitted, for not responding to the call and waiting, there is said to be assault. However, as regards to the present applicant is concerned, there are allegations that, he gave kicks and fist blows to deceased Yogesh. Taking such role into consideration, when nothing is further shown to be recovered and discovered at his instance, the relief as prayed deserves to be granted. Hence, following order.

ORDER

- i) The application is allowed.
- ii) Applicant Pritam @ Banti S/o. Annarao Hajare, be released on bail in connection with Crime No.0112 of 2024, registered with Gategaon Police Station, Dist. Latur, on executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety in the like amount.
- iii) The applicant shall not tamper prosecution evidence.
- iv) Parties to act on authenticated copy.

[ABHAY S. WAGHWASE, J.]