



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 152 OF 2025

1. Devendra Chandar Kureri (Mahato),
Age : 42 years, Occu. : Labour,
R/o. Atmaj, Ward No.3, Khalispur,
Dist. Samstapur (Bihar).
2. Firaj Rudam Dham,
Age : 18 years, Occu. : Labour,
R/o. Akhtiyarpur, Doghara Post,
Dist. Post Bhartipur, Patepur,
Vaishali (Bihar).

At present residing at Taloda,
Dist. Nandurbar (Maharashtra)

... Applicants

Versus

The State of Maharashtra,
Though Police Inspector,
Taloda Police Station,
Tq. Shahada, Dist. Nandurbar.

... Respondent

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Ms. Karishma S. Sarin, Advocate for the Applicants.

Mr. P. K. Lakhotiya, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 10.03.2025

Pronounced on : 11.03.2025

ORDER :

1. Applicants seeks grant of regular bail on account of his arrest in Crime No. 0267 of 2024 registered at Taloda Police Station, District Nandurbar for offences punishable under Sections 103(1), 189(4) and 190 of the Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel submits that, applicants are arrested in above crime on 28.09.2024. That, applicant no.2 is barely 18 years of age. That, there are allegations that there was beating by 6 to 7 persons by means of wooden log to deceased on allegation of committing theft of mobile. Learned counsel submits that, there is no eye witness and only piece of evidence is CCTV footage, but in the same, no overt act is appearing and merely deceased is shown to be caught. She further submitted that, though death is said to be caused by assault, there are no blood stains on the wooden log or the clothes. She emphasized that, in fact, applicant himself reported police. Thus, according to her, such conduct of applicant no.1 needs consideration. That, investigation is over and nothing is further shown to be recovered or discovered at the instance of applicants. That, charge sheet is filed on 21.12.2024 and hence as there are no immediate prospects of matter going for trial, she seeks grant of bail.

3. Strongly opposing the above application, learned APP pointed out that, though information is received on 112, informant police constable himself visited the spot. That, deceased found tied to the rope and made to sit in water tank. That, learned APP took this court through the post mortem report and pointed out that there are

as many as over 40 contusion injuries, hence according to him, there was brutal assault and merciless beating, resulting into death. He pointed out that, applicants are from Bihar and there is more possibility of misuse of liberty. On above counts, bail is opposed.

4. Heard. Perused the FIR at the instance of police constable dated 27.09.2024. He lodged report that, on 27.09.2024 he got message on 112 about he being caught hold of thief. Therefore, he called back the number on which message was received and conversation claims to have learnt that, thief has been caught at Chinonda Choufuli and to come immediately. When informant reached there, he claims to have seen a unknown person between age group of 25 to 30 in tied condition in water pond. On further enquiry, it was learnt from Devendra Chandar Kureri (Mahato) i.e. present applicant no.1 that on account of committing theft of mobile, he, Firaz Dham, Kisan Bara Kureri, Akash Kureri and Rohit Kureri beat deceased for committing theft of mobile in the night. He also reported that, the thief was tied to avoid escaping. Informant constable directed injured to be taken to hospital, but on examination, he was reported to be dead. Hence the above report.

5. On going through the post mortem report, it is noticed

that deceased Ranjaykumar Ramdev Paswan also from Bihar has suffered 40 injuries comprising of contusions, lacerations, contused abrasions on various parts of the body and cause of death is “hemorrhagic shock following multiple contusions over body”.

6. Taking the above manner of beating, number of injuries into account coupled with the fact that applicants are from Bihar, the apprehension expressed by learned APP about misuse of liberty cannot be brushed aside. Though investigation is over, in the light of above nature of accusation, this court is not inclined to grant bail at this stage.

7. The application stands rejected.

[ABHAY S. WAGHWASE, J.]