



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

BAIL APPLICATION NO. 153 OF 2025

Talash @ Tushar Ranjya Kale
Age: 27 years, Occu.: Agri.
R/o. Rajiv Gandhi Nagar, Zopadpatti,
Tq.Karjat, District Ahmednagar.

....Applicant

Versus

The State of Maharashtra
Through the Police Inspector,
Karjat Police Station,
Tq.Karjat, District Ahmednagar.

....Respondent

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Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent : Mr.VM.Chate

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 APRIL, 2025

PRONOUNCED ON : 23 APRIL, 2025

ORDER :

1. This is an application for grant of regular bail on account of arrest of applicant in crime no.0287 of 2024 registered with Karjat Police Station, District Ahmednagar, for offence under Sections 302, 201, 364, 324, 323, 504, 506 read with 34 of the Indian Penal Code.

2. Pointing to the date of arrest as 18-04-2024, learned counsel pointed out that there are allegations of assault by means of wooden stick and giving kick and fists blows. He submitted that co-accused

with similar allegations are already granted bail. According to him, though there are some eye witnesses, they are not consistent. That, whatever was to be recovered is already recovered. That, investigation is over and chargesheet is already filed in July, 2024. Therefore, on both counts i.e. nature of allegations as well as on the ground of parity, learned counsel urges for grant of bail.

3. Learned APP opposed application on the ground that there is direct eye witness account. That, death is due to head injury. That, after committing murder, body was disposed off and it was recovered at the instance of present applicant under Section 27 of the Indian Evidence Act. He took this Court through the statement of Alesh @ Akshay Devidas Bhosale and submitted that there was merciless beating on petty count like taking away mobile. Learned APP pointed out that co-accused, being a lady, has been given benefit of bail and therefore, relief of present applicant cannot be equated on the ground of parity. For all above reasons, learned APP opposes application.

4. Heard. Perused the papers. FIR dated 18-04-2024, is at the instance of one Nitin Nargishya Kale. He has reported that his

brother Mahesh, who was married, was residing separately on account of marital discord. That, on 18-04-2024, he got a phone call from Tushar i.e. present applicant asking informant to come immediately stating that Mahesh had taken phone of his sister-in-law Ashwini and he further allegedly stated that if he does not come then there would be brutal beating to Mahesh. Out of fear, informant did not go. However, in the morning, when his brother did not return, they all went for his search and on enquiry from Akshay Devidas Bhosale, it was learnt that at 11:00 p.m., Tushar Kale, Ashwini Kale and Gauri Kale were quarreling and beating Mahesh and he fell unconscious and was allegedly taken by Tushar and Gauri on Motorcycle.

5. Post mortem report shows that deceased had suffered multiple contusions on fronto temporal region, back, chest etc. and death is attributed to head injury.

Statement of Akshay Devidas Bhosale is visited and it appears that he has stated that at 00:10 hours on 18-04-2024, he heard commotion and quarrel going on and therefore, he claims to have woke up and went and seen that Mahesh was questioned by Ashwini and her brother-in-law Tushar and sister-in-law Gauri for taking

mobile. He has stated that all three were beating him with wooden sticks and bricks and as a result of assault, Mahesh fell down and was motionless. He has further stated that present applicant and his brother are criminal minded and they are involved in serious crimes including crime under the Maharashtra Control of Organised Crime Act.

Therefore, *prima facie* there is statement of eye witness account. Though, co-accused are granted bail, considering the above material and role attributed to the applicant, this Court is not inclined to grant bail to the applicant. Hence, following order :

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE