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

BAIL APPLICATION NO.331 OF 2025

Rushikesh @ Parmeshwar Ashok Lomte
Age: 24 years, Occu.: Labour,
R/o. Kasar Javala, Tq. & Dist. Latur ... Applicant

Versus

The State of Maharashtra,
Through Police Inspector
Gategaon Police Station ... Respondent

.....
Mr. Ajinkya Joshi, Advocate h/f Mr. S.V. Natu, Advocate for
Applicant
Mr. P.K. Lakhotiya, APP for Respondent – State
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 MARCH 2025

PRONOUNCED ON : 19 MARCH 2025

PER COURT :-

1. Instant application is for grant of bail on account of arrest of applicant in Crime No.112 of 2024, registered at Gategaon Police Station, District Latur for offences punishable under Sections 103(1), 352, 115(2), 3(5) of Bharatiya Nyaya Sanhita (BNS).

2. Pointing to the date of arrest as 11.09.224, learned counsel for the applicant submitted that actual occurrence is of 10.09.2024 and as such, it is delayed FIR. That, allegations are levelled that, three accused were coming on a motorcycle and

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stopped informant and being assaulted. As regards the present applicant is concerned, learned counsel submitted that, applicant is shown as accused No.3. That, there are allegations that, he is beaten by means of a belt. Learned counsel pointed out that, cause of death is merely given multiple injuries, and according to him, none of the injuries could be fatal, as allegation against the present applicant is the use of a belt. Learned counsel also took this Court through the statement of witnesses under Section 183 of B.N.S.S., and pointed out that, in statement of these witnesses, overtact of applicant is not surfacing. That, now investigation is over and charge-sheet is filed, and therefore, when no further recovery or discovery has to be made from the applicant, learned counsel seeks grant of bail on any condition deemed fit by this Court.

3. While opposing the bail application, learned APP pointed out that, deceased has suffered as many as 15 injuries comprising of laceration injuries, contusion, abrasion and crushed injuries, and that death is attributed to multiple injuries. According to learned APP there is a direct eye witness account. Eyewitnesses have stated about seeing beating by stick as well as belt. He further submitted that case is already committed. For all above reasons, he opposed the bail application.

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4. Heard. Perused the papers. FIR dated 11.09.2024 is at the instance of Navling Dhumal. The sum and substance of his report that, on 10.09.2024, Tukaram Yadav, Pritam @ Banti Hazare and Rushikesh Lomte, i.e. present applicant questioned Yogesh for not stopping the vehicle, and it is alleged that, Pritam @ Banti made Yogesh fall. Whereas, Rushikesh Lomte (present applicant) removed belt and hit it on the face and Tukaram Yadav used wooden log and caused him grievous injuries, subsequently, resulting into death. Now, investigation is said to be over, and charge-sheet is also filed.

5. Apparently, charge-sheet is filed on 05.12.2024. Allegations against present applicant is that, he beating by means of belt. This Court granted bail to Pritam @ Banti Hajari on 05.02.2025, taking into account the nature of the allegations that he made the deceased fall. As regards to the present applicant is concerned, there are allegations that he hit deceased on the fact with waist belt, and allegations of hitting by wooden log are attributed to Tukaram Yadav. Therefore, present applicant cannot claim parity as present applicant and accused Tukaram Yadav are both responsible for inflicting numerous injuries, which ultimately turned out to be fatal. Therefore, though investigation is over and charge-sheet is filed recently two months back, considering the nature of

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allegations and direct evidence available on record, this Court is not inclined to grant bail at this stage. Hence, the following order:

ORDER

Bail Application is rejected.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane