



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

BAIL APPLICATION NO. 361 OF 2025

Pritam Bhausahab Patil
Age: 28 years, Occu.: Agri.,
R/o. Karajkheda,
Tq. & Dist.Dharashiv

....Applicant

Versus

The State of Maharashtra
Through Police Station Incharge,
Bembali Police Station,
Dist.Osmanabad.

.....Respondent

.....
Advocate for Applicant : Mr.Abhijit S. More
APP for Respondent : Mr.Vaishali S.Chaudhari

.....

CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 04 APRIL, 2025
PRONOUNCED ON : 08 APRIL, 2025**

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in crime no.129 of 2024 registered with Bembali Police Station, District Dharashiv, for offence under Section 302 reda with 34 of the Indian Penal Code (IPC).

2. Learned counsel pointed out that applicant is arrested in above crime on 26-05-2024. That, applicant is shown as accused no.1. Learned counsel pointed out that accused no.2 is granted bail by this Court on 13-01-1025. According to him, there is no direct evidence

and entire case is based on circumstantial evidence. He further pointed out that in the investigation only incriminating material, which is allegedly recovered from present applicant, is blood stained clothes that too under Section 27 of the Indian Evidence Act. That, alleged incident took place in the backdrop of some partition. That, now investigation is over and chargesheet is filed in August, 2024 itself. That, no further recovery or discovery is to be made. He pointed out that trial would take sufficiently long time as even charge is not framed yet. Therefore, for above reasons coupled with ground of parity, learned counsel urges for bail.

3. Learned APP opposed application on the ground that applicant is main accused. That, accused no.2 father is granted bail by this Court because he was over 65 years of age. She pointed out that there is extra judicial confession from present applicant. That, friend of present applicant had noticed dried blood on the leg of present applicant. She further pointed out that incident was pre-planned and alarm was set up at 01:00 a.m. and shortly after that incident had taken place. That, offence being serious coupled with apprehension of misuse of liberty, learned APP opposes bail application.

4. Heard. Perused the FIR dated 26-05-2024 at the instance of

Surekha Patil. She reported that she has two sons namely Pritam and Sandesh i.e. present applicant and deceased Sandesh. According to her, Sandesh, who was working in Pune, had come back to village and he worked in agriculture field on 24-05-2024. Thereafter, she, her husband, present applicant, his wife Bhagyashri together had dinner. Deceased Sandesh was to go for some party and so he went out at around 09:00 p.m. She further claims that at 12:00 mid night, her deceased son Sandesh came home, took his bedding and went to sleep on the *Ota*. She claims that in the morning, when she was cleaning the house, that time she noticed her son lying in injured condition with two stones lying near his head and on staircase. Therefore, she lodged report about murder of his son by unknown person.

5. Crime was registered and investigated. Investigating machinery claims to have found, more particularly, from the girl friend of deceased, that deceased was seeking partition from his father and there were quarrels between father and son on account of its refusal. This Court had already granted bail to accused no.2 father. Statement of girl friend of deceased from whom above information is extracted by investigating machinery, seems to be

recorded on 01-06-2024 regarding some quarrel taking place between deceased and his father. Now, investigation is over. Apparently there is no direct eye witness as to what happened that night and amongst two accused, who is responsible for death of Sandesh i.e. whether his father or his brother. Father is already enlarged on bail by this Court by order dated 13-01-2025. When no further recovery or discovery is shown to be made and when there is nothing to indicate that matter would go for trial in near future, no purpose is achieved by further detention of applicant and applicant is behind bars since almost nine months, relief as prayed deserved to be granted. Hence, following order is passed. :

ORDER

- (i) The Application is allowed.
- (ii) Applicant Pritam Bhausaheb Patil, be released on bail in connection with Crime no.129 of 2024 registered with Bembali Police Station, District Dharashiv (Osmanabad), on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) The applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE