



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

BAIL APPLICATION NO. 376 OF 2025

Siddharth s/o Tulshiram Rajbhoj
Age: 56 years, Occu.: Labour,
R/o. Degaon Chal, Nanded,
Tq. & Dist.Nanded.

....Applicant

Versus

The State of Maharashtra
Through Police Station Officer,
Vazirabad Police Station,
Nanded, Tq. & Dist.Nanded.

....Respondent

.....

Advocate for Applicant : Mr.Shailendra S. Gangakhedkar
APP for Respondent : Mr.VM.Chate

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 07 MAY, 2025

PRONOUNCED ON : 08 MAY, 2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant in crime no.0060 of 2022 registered at Vazirabad Police Station, District Nanded, for offence under Sections 302, 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Sections 4, 25 of the Arms Act.

2. Learned counsel pointed out that applicant is arrested in

above crime on 16-03-2022. That, alleged occurrence is of 01-03-2022. He pointed out that applicant is not named in the FIR. That, after three days, in supplementary statement, applicant has been named and as such there is possibility of false implication. He pointed out that present applicant, his son and two others were named. That, there was dispute on minor count like throwing garbage. That, infact informant is distant relative of main accused. That, there are allegations of assault by knife. He pointed out that with similar allegations, his son is granted bail. That, even accused nos.3, 5 and 7 are beneficiary of bail. That, now investigation is over and chargesheet is filed on 12-07-2022. That, no more recovery or discovery is to be made and thus, no purpose would be served by further detention of applicant, who is behind bars for more than two years.

3. Another point, which is pressed into service by learned counsel is that applicant is Cardiac patient and he is detected of 80% blockages. Therefore, coupled with above ground, on medical ground also, learned counsel seeks relief of bail and he also points out that applicant be allowed to be get treated in private hospital.

In support of his submissions, learned counsel for applicant relied on decision in the case of *Hari Sankaran v. Serious Fraud Investigation Office and Another*, 2024 SCC OnLine Bom.753.

4. Learned APP opposed application on the ground that there is double murder. He points out that sons of informant done to death by stabbing. That, multiple injuries are suffered by deceased. That, previously also two attempts of seeking bail had gone futile, it being rejected. That, there is no change in circumstances.

As regards to medical ground is concerned, he pointed out that applicant was granted bail on medical ground for getting treated. That, he has been taken care by Prison Authorities. That, Prison Authorities have placed medical papers on record, as such, as on today, there is no medical exigency to undergo any further treatment that too in a private hospital when there are equally better facilities in Government Hospital. For all above reasons, bail is opposed.

5. Heard. Perused the papers. There is no dispute that occurrence dated 01-03-2022 is reported on 02-03-2022 and applicant is shown to be arrested on 16-03-2022. There is also no issue on the point that applicant is not named in the FIR and his

name came in supplementary statement of informant on 04-03-2022. Sum and substance of the FIR at the instance of Digambar Wamanrao Rajbhoj is that he resides with his family. That, on 09:00 p.m. to 09:30 p.m. on 01-03-2022, his neighbours namely Madhukar Rajbhoj, Vishwajit Rajbhoj, Chandrapal Rajbhoj, Abhijit Rajbhoj, Ashok Rajbhoj, Mahendra Rajbhoj and Amol Wadhave picked up quarrel in the backdrop of throwing garbage and it is alleged that Madhukar, his sons, and Ashok Rajbhoj, Mahendra Rajbhoj, Amol Wadhave gave kicks and fist blows to informant, informant's son, his wife and daughters-in-law. Then he reported that suddenly Vishwajit, Chandrapal and Mahendra went back to their house and returned with knives. Madhukar, Ashok, Abhijit and Amol came armed with sticks and they started beating to informant, his sons Prafulla, Santosh and Sandip. It is alleged that Mahendra stabbed his son Prafulla in abdomen and other parts of body. His other sons Santosh, Sandip and grandson Rahul were inflicted knife blows by Vishwajit and Chandrapal and remaining accused gave blows by means of sticks. He has reported that his two sons Prafulla and Santosh, who suffered grievous injuries, were taken to hospital for treatment. However, both Prafulla and Santosh succumbed to the grievous injuries. On above allegations, he lodged above report.

Papers show that informant's supplementary statement has been recorded on 04-03-2022 i.e. after three days of the incident and this time he stated about Vishwajit Rajbhoj, Chandrapal Rajbhoj, Mahendra Rajbhoj, Ashok Rajbhoj, Siddharth Rajbhoj i.e. present applicant and Ritesh Rajbhoj were also armed with articles like knife, khanjar and sword and they assaulted his sons and grandson. He reported that inspite of he, his sons, daughter-in-law pleading to spare and save them, nobody allegedly came to their rescue.

6. As pointed out, though applicant's name is not finding place in the FIR, it is noticed and noted that informant is of 66 years old person, who has eye witnessed the assault in the evening of 01-03-2022. His two sons had suffered grievous injuries and they later succumbed to it. Their post mortem reports are placed on record and nature and numbers of injuries clearly depicted in column nos.17 and 19. Therefore, having eye witnessed assault on his two young boys, it is not possible for informant to name each and every person and define specific role of all, who participated in the assault. Therefore, though co-accused are granted bail, this Court is not inclined to extend benefit of bail to present applicant. Present applicant's son was apparently granted bail by taking into account his

visual disability.

7. As regards to grant of bail on medical ground is concerned, papers show that applicant was already treated and record shows that applicant was beneficiary of temporary bail on medical ground for a period of six months. Now, it is submitted that applicant has Cardiac issue. But as submitted by learned APP, having been lodged in Nanded District Prison, there being facility at Government Hospital, there is no need to grant bail on medical ground. If need arises, medical care can very well be provided in the Government Hospital.

I have gone through the citation tried to be taken aid of, but facts in that case are materially distinct than the facts in the case in hand.

Therefore, this Court does not find it a fit case to grant bail either on merits or on medical ground. Hence, following order :

ORDER

Bail Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE