



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

BAIL APPLICATION NO. 453 OF 2025

Sugriv @ Nana Kisan Mendhe
Age: 38 years., Occu.: Agri.,
R/o. Sanja, Tq. & Dist.Dharashiv

....Applicant

Versus

The State of Maharashtra
Through Police Station Incharge
Anand Nagar Police Station,
Dharashiv, Tq. & Dist. Dharashiv.

.....Respondent

.....
Advocate for Applicant : Mr. Abhijit S. More
APP for Respondent : Mr.C.VBhadane

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 01 APRIL, 2025

PRONOUNCED ON : 03 APRIL, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in crime no.0098 of 2024 registered with Anandnagar Police Station, District Dharashiv for offence under Sections 302, 307, 323, 326, 341, 143, 147, 148, 149 read with 34 of the Indian Penal Code.

2. Learned counsel submitted that applicant is arrested in above crime on 18-03-2024. That, in all seven persons are arrested. He

pointed out that six accused, whose role is similar to applicant, are granted bail. According to learned counsel, there are general allegations and no specific role is defined. He further pointed out that T.I. parade is conducted at a belated stage i.e. after one and half month. According to him, as chargesheet is filed and no further recovery or discovery is to be made, he seeks bail on the ground of parity.

3. Learned APP opposed application on the ground that entire incident of merciless beating to deceased and injured is at the instance of present applicant. That, merely suspecting theft of Tractor, there was continuous beating resulting into death. That, informant's husband succumbed to multiple injuries. Learned APP took this Court through the contents of the FIR and further submitted that there is eye witness account as well as injured witness account. He submits that applicant was instrumental in the episode. Hence, for all above reasons, learned APP strongly opposed bail application.

4. Heard. Perused the FIR dated 18-03-2024 lodged by Sarita Ashok Shinde. She has reported that her husband left the house in the morning of 18-03-2024 after receiving a phone call. He did not

return. Later on it is learnt that some incident has taken place near Office of Sanja Gram Panchayat. When she went there, she found her husband and one unknown person lying in unconscious condition in a Tractor Trolley. She claims to have shifted her husband to hospital and on the way, she claims to have questioned her husband about the incident and allegedly she heard him stating that he and his friend Ajay Zadake were beaten by Tractor owner and other 20-25 people by means of sticks and rods suspecting theft of Tractor. On above report, crime has been registered.

5. Statement of companion of deceased i.e. Ajay Rajabhau Zadake is also recorded and he has stated that deceased Ashok was his friend and relative. That, in the night of 17-03-2024, when he received a phone call from his relative Datta Mohan Bhosale about diesel from the Tractor to be over and so he and Datta's friend were asked to bring diesel and accordingly, they went and brought diesel in a Can and gave the Can to Datta. Datta filled diesel in Tractor, however, Tractor was not started and therefore, Datta brought a tool to start Tractor. At that time, a Car came and halted near them and Ajay and his friend were both caught on allegation of committing theft of Tractor and beaten. His relative Datta managed to flee, but Ajay was

taken in the village and declared that thief of Tractor has been caught and Ajay was beaten by those persons. Those persons asked Ajay to disclose name of his companion. When this witness gave a call to deceased Ashok, he was asked to come to the said spot. Then after arrival of deceased Ashok, both Ashok and Ajay further were beaten by means of cable, rubber and sticks. This witness Ajay has stated that even they begged for giving water to drink, but they were not provided with it, and were continuously beaten.

6. Deceased Ashok succumbed to the beating and post mortem notes show that he had suffered multiple injuries. Summary of the chargesheet shows that present applicant is owner of the Tractor. Thus, as submitted by learned APP, it is at the instance of present applicant, suspecting theft of Tractor, there is merciless beating to Ashok and Ajay. Though other accused are beneficiary of bail, however, as their names and roles were not reflected in the FIR, they are granted bail. As regards to present applicant is concerned, entire episode seems to have taken place as per his directions and his instance. Therefore, he being main accused and responsible for merciless beating, it cannot be said that role assigned to present applicant is similar to other accused, who were granted bail.

Resultantly, even if chargesheet is filed, considering the nature of allegations, this Court is not inclined to grant relief. Hence, following order is passed. :

ORDER

Bail Application No.453 of 2025 is rejected.

(ABHAY S. WAGHWASE)
JUDGE

SPT