



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

102 BAIL APPLICATION NO. 1318 OF 2025

Gopal Rangnath Dure

VERSUS

The State of Maharashtra And Another

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Advocate for Applicant : Ms. Ashwini A. Lomte

APP for Respondents: Mr. S.B. Narwade

...

AND

BAIL APPLICATION NO. 1222 OF 2025

Rajkumar Alias Kumar Vinayak Uphade

VERSUS

The State of Maharashtra

...

Advocate for Applicant : Mr. P.P. More

APP for Respondents: Mr. S.B. Narwade

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 8th SEPTEMBER, 2025.

PER COURT :-

1. These are the applications for granting bail under section 439 of the Code of Criminal Procedure, 1973 in connection with crime No. 755 of 2024 registered with M.I.D.C. Latur police station, District Latur, for the offences punishable under Sections 103(1), 109, 333, 352, 351(2), 189(2), 191(2), 191(3) and 190 of the Bhartiya Nyaya Sanhita, 2023.

2. Learned advocates for the applicants pointed out the report in

which it is averred that the informant's son Mauli was loving with the daughter of one of the co-accused. The love affair was noticed and it was opposed. On 27.10.2024 at about 8.30 p.m. Mauli left his house alone. At about 9.30 p.m. one Govind Rangnath Dure and Om Shrimant Khedkar rushed to the house of the informant and informed him that his son Mauli has been beaten by stick and shock-uppers and thrown into their door. It was also informed that the accused persons threatened them that they will eliminate them. They started to assault them. At that time, one Bhau Bhausahab Sot, cousin of the informant came there and he rescued that quarrel. At that time, these persons threatened that if he is going to lodge the report, he will eliminate him. The informant and one Vilas Uphade went to the house of Kamlakar Dure. Many villagers were gathered there. Mauli was lying there having injuries to his both hands and blood was oozing from his nose. At that time, Kamlakar Dure opposed to take him to the hospital. Thereafter, the police came there and Mauli was taken in a jeep for treatment to Latur. During the journey, Mauli told that he was loving with the daughter of Kamlakar Dure. She sent him a love letter. He alone went to visit her in front of her house at 9.00 p.m. and at that time, Kamlakar Dure, these applicants and other co-accused persons came there and threatened him by saying that he is eloping their daughter. They beat him by fist and kick blows. Om Khedkar, Gopal Dure, Kamlakar Dure and other co-accused started

to assault him by shock-uppers. Thereafter, after hearing his hue and cry, some villagers gathered there. However, they were not trying to rescue Mauli. He sustained injuries to his both the legs, hands, back etc. At that time, Kamlakar Dure was saying that Mauli should not be left alive and he was beating him. Thereafter, they said that now Mauli is no more and succumbed to the injuries. They proceeded to his house. Accordingly, he was admitted in the hospital in the night of 28.10.2024. Thereafter, he was not able to talk. He succumbed to the injuries on 06.01.2025.

3. Learned advocates for the applicants submitted that it was a murder by a gang. The applicants' role is not spell out either from the report or the statements of witnesses as to how they assaulted Mauli and with what weapon. There is delay in lodging the report. Entire investigation is over and the trial will take a long period. It is a case of culpable homicide and not a murder, as there is absence of intention to kill Mauli. It is lastly prayed to allow the applications.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicants are involved in serious crime. They beat deceased Mauli with weapons stick, shock-uppers etc. Though there is delay of 4 days in lodging the report, it can be explained. He pointed out the post mortem report and the

injury certificate. He pointed out the statements of witnesses and daughter of main accused Kamlakar Dure. He further pointed out that if the applicants are released on bail, possibility of happening similar crime cannot be ruled out. He therefore, prayed for rejection of applications.

5. Perused the charge sheet, particularly the report, statements of witnesses, post mortem report and the injury certificate of deceased Mauli. The incident took place because of love letter sent by daughter of main accused Kamlakar, which is at page 72 of the compilation of bail application No.1318 of 2025. According to the prosecution story, daughter of Kamlakar Dure called deceased Mauli to visit him and while they were talking with each other, it was noticed by Kamlakar, who is father of girl and other accused and the incident took place suddenly. It appears that incident took place because of irresistible inference. The entire investigation is over. The charge sheet is filed. The applicants have no criminal antecedents. It is not a case of murder and there is absence of motive to commit murder of Mauli. The applicants have roots in the society. They will not flee away from the trial. Without adverting to the merits of the case and considering one more aspect that Mauli died after two months after the incident, the application deserves to be allowed on certain conditions. Hence, the following order:-

O R D E R

- I. Applications are allowed.
- II. The applicants, in both the applications, in connection with crime No.755 of 2024 registered with M.I.D.C. Latur police station, District Latur, for the offences punishable under Sections 103(1), 109, 333, 352, 351(2), 189(2), 191(2), 191(3) and 190 of the Bhartiya Nyaya Sanhita, 2023, be released on bail on furnishing personal bond of Rs.25,000/- each with one surety each of the like amount on following conditions:-
 - a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicants, shall not enter in village Takli (Bk), Tq. and district Latur, till the decision of the trial.

(SANJAY A. DESHMUKH, J.)

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