



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

987 BAIL APPLICATION NO. 1287 OF 2025

Kamlakar Sheshrao Mule

VERSUS

The State Of Maharashtra

...

Mr. Chatterji Joydeep, Advocate for Applicant

Mr. P. P. Dawalkar, APP for Respondent/State

...

CORAM : SANJAY A. DESHMUKH, J.

DATE : 19.09.2025

PER COURT :-

1. This is an application for granting regular bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023. The applicant is arrested in Crime No.111 of 2024 for the offences punishable under Section 302, 326, 341, 143, 147, 148, 149, 323, 427, 504, 506 of Indian Penal Code, 1860 and Section 135 of Maharashtra Police Act, 1951.

2. The quarrel took place between the informant's side and accused/applicant's side on the dispute of the boundary of the agricultural land. It is alleged that the applicant also assaulted father of the informant. Three incidents are quoted when applicants and other accused assaulted informant and others therefore report was lodged.

3. Learned Advocate for the applicant pointed out that accused – Santosh Mane is released on bail by this Court by an order dated 15.10.2024. As far as allegations of murder of informant-father is concerned, that role is not attributed to this applicant. Applicant has roots in the Society and has no criminal antecedents. Investigation is over and charge-sheet is filed. The essential ingredients of Section 302 are not establishing against the applicant. It is also contended that applicant is suffering from HIV. It is lastly prayed to grant bail to the applicant on the basis of principles of parity.

4. Learned A.P.P. strongly opposed the application and submitted that applicant is involved in serious crime of murder. In furtherance of common intention he and other co-accused committed murder of father of the informant. Learned A.P.P. submitted that applicant played active role in the said crime. Considering this role and the evidence against him attributed by the eye witnesses, application deserves to be rejected. He lastly prayed to reject the application.

5. Perused the charge-sheet, particularly the injury certificate of Gopal as well as post-mortem report. Injury Certificate of Gopal shows 7 injuries out of those two are grievous and others are simple. Thus, essential ingredients of Section 302 of the IPC are *prima facie* not established. Applicant has no criminal antecedents. He has roots in the Society. The trial will take long period. Considering all these aspects, the

application deserves to be allowed on the basis of cardinal principles of bail that the bail is rule and jail is exception. The Bail Application deserves to be allowed. Hence, the following order :-

:: ORDER ::

- i. The application is allowed.
- ii. The applicant, in connection with Crime No.111 of 2024 registered with Bhada Police Station, Dist. Latur for the offences punishable under Section 302, 326, 341, 143, 147, 148, 149, 323, 427, 504, 506 of Indian Penal Code, 1860 and Section 135 of Maharashtra Police Act, 1951, be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) Applicant shall not enter into village Sindalwadi Tq. Ausa, District Latur for 6 (Six) months.

[SANJAY A. DESHMUKH, J.]