



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1303 OF 2025

Tukaram Sahebrao Yadav ...Applicant

Versus

The State of Maharashtra ...Respondents

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Advocate for the applicant: Mr. P. P. More
A.P.P. for the respondents: Mr. S.B. Narwade

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CORAM : SANJAY A. DESHMUKH, J.
DATE OF RESERVING THE : 06.10.2025
ORDER
DATE OF PRONOUNCING : 08.10.2025
ORDER

PER COURT :-

1. This is an application for granting regular bail under section 483 of Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 in connection with crime No. 112 of 2024 registered with Gategaon police station, District Latur for the offences punishable under Sections 103(1), 352 and 115(2) r.w. 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. The informant averred in the report that he got information that the accident took place on Latur Kallam road at village KasarJawla. At that time, Yogesh Nilange made him a phone call and the informant asked him to come at Katgaon to take him. When

they were going to Rudra Bar at Kasar Jawla to take their friend Girish Lokhande, in between Dindegaon Pati to Kasar Jawla, one motor cycle came there. Four persons were sitting on the said motor cycle, saying that Nilange stop, Nilange stop. Accordingly, the informant and his friend stopped. At that time, the applicant Tukaram alongwith other three persons viz. Pritam @ Banti Hazare, Rushikesh @ Parmeshwar Lomte and Vaibhav Yadav, all resident of Kasar Jawla came to the informant. The applicant Tukaram Yadav suddenly questioned the informant as to why the he has not stopped when he was asked to stop and started abusing and manhandling him. The informant asked Yogesh to go away, and Yogesh went away. At that time, the informant caught hold of Pritam @ Banti. Thereafter, the other three persons, including the applicant, went away. After some time, Yogesh Nilange came back there, and the applicant along with Rushikesh Lomte also came there. The applicant was holding a wooden log in his hand, and Rushikesh @ Parmeshwar was holding a belt in his hand. They started assaulting Yogesh with kicks and fist blows, and he fell down. Thereafter, Rushikesh beat Yogesh with a belt, and the applicant, Tukaram, beat him with a wooden log by hitting him three to four times. Yogesh became unconscious. The applicant and the other co-accused ran away. The informant called his friend, Girish Lokhande, and took Yogesh on his motorcycle to the Civil Hospital. At that time, Yogesh

had sustained injuries to his left leg due to scratches. When they reached Shivaji Chowk, Latur, the motorcycle slipped, and the informant fell down. He sustained injuries to his leg and near his eye. Yogesh was taken to the Civil Hospital, Latur. The doctor examined him and declared that he was no more. Therefore, a report was lodged on the next day of the incident.

3. Learned advocate for the applicant pointed out that the co-accused Rushikesh @ Parmeshwar Ashok Lomte is released on bail by the Hon'ble Supreme Court, as he has assaulted only by belt. He submitted that Yogesh sustained injuries when he fell from the motorcycle, and that it was not only because of the assault that he died. He pointed out the order of the Supreme Court passed in Special Leave Petition (Cri.) No.10110 of 2025, dated 22.9.2025. Para 2 of the said order reads as under:-

"2. Having heard the learned counsel for the parties and on perusal of FIR and charge sheet, we notice that while the deceased was being shifted to the hospital on a two wheeler vehicle the same had met with an accident which resulted in several injuries being sustained by the deceased. This fact is also evident from the post-mortem report, which is annexed to the charge sheet and it indicates that there were about 15 external injuries. It is the specific case of the prosecution that the petitioner (accused no. 3) had assaulted the deceased by use of a belt. The resultant death of the deceased is an issue which will have to be thrashed out

during the course of the trial by the jurisdictional Sessions Court after evaluating the evidence that would be tendered by prosecution. Continued incarceration of the petitioner in the instant case is not warranted.”

Learned advocate for the applicant submitted that the applicant has roots in the society and he is entitled for bail on the principle of parity as per the aforesaid order of the Hon'ble Supreme court in the case of ***Rushikesh @ Parmeshwar Ashok Lomte (supra)***.

4. Learned A.P.P. for the respondent-State submitted that the incident took place in two phases. Firstly, the applicant abused and manhandled Yogesh, and then he left the place. Thereafter, he brought a wooden log with him and hit Yogesh on the head three to four times, due to which Yogesh fell down. He submitted that the role of the applicant is very serious, as he assaulted Yogesh on vital parts of his body with a wooden log. Therefore, Yogesh succumbed to the injuries, and it was not because of the fall from the motorcycle that he sustained injuries and died. He submitted that causing of multiple head injuries in the vehicular accident are not possible.

5. Perused the charge sheet, particularly the report, the statement of witnesses and the post mortem report. Yogesh died due to injuries sustained to his head. The incident took place in two

phases. First, the applicant beat him and then went away, but later returned with a wooden log and assaulted Yogesh on a vital part of his body, i.e. the head, due to which he became unconscious. Merely because of the fall from the motorcycle, it cannot be inferred that the applicant did not assault him with the intention to kill. In the said incident of assault by the applicant, Yogesh sustained several injuries and died. It is a matter of evidence and requires a full-fledged trial. The applicant assaulted Yogesh with an intention to kill him, and for that purpose, he went back from the spot of the incident, brought a wooden log/handle and assaulted him on the head. This shows his intention to kill Yogesh. Therefore, though the co-accused Rushikesh @ Parmeshwar Lomte is released on bail by the Hon'ble Supreme Court, certainly the applicant is not entitled for bail on the ground of parity, as his role is different than that of Rushikesh @ Parmeshwar Lomte, as Rushikesh had assaulted Yogesh by a belt and the applicant assaulted him by a wooden log/handle on his head, which is the cause of death. Considering all these aspects, the application deserves to be rejected. Hence, the following order:-

O R D E R

The application is rejected.

(SANJAY A. DESHMUKH, J.)