



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 BAIL APPLICATION NO. 1368 OF 2025

Chandrasen Kisan Mule
VERSUS
The State of Maharashtra

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Advocate for Applicant : Mr. Sandeep C. Swami
APP for Respondents: Mr. N. B. Patil

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 4th OCTOBER, 2025.

PER COURT :-

1. This is an application for grant of regular bail under section 483 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 in connection with crime No. 111 of 2024 registered with Bhada police station, District Latur, for the offences punishable under Sections 302, 326, 341, 323, 149, 148, 147, 143, 506, 504 and 427 of the I.P.C. and under Section 135 of Maharashtra Police Act.

2. It is averred in the report that the informant's grand father was holding 67 acres of land at village Shindala and Shindalwadi, Tq. Ausa, district Latur. Out of 57 acres land was acquired during the ceiling proceeding. The remaining 10 acres land was in possession of their family. The informant's grand father is having 4 acres of land. The informant's uncle Dhanraj More is having 3 acres of land and

uncle Gopal More is having 3 acres of land in plot No.95 at Shindala. The entire land is cultivated by the informant's father and his uncles, Dhanraj and Gopal. Adjacent to land block No. 95, there is a 12 acre land belonging to the applicant, Chandrasen Kisan Mule. The dispute arose on account of the common boundary. The applicant encroached upon about 40 to 50 gunthas of the informant's land. On several occasions, reports were lodged at the police station regarding the quarrels between them. The action was taken by the police against both the parties. The informant further averred that on 14.05.2024, the applicant Chandrasen dug out soil from the agricultural land with the help of a JCB machine and transported it to another agricultural land.

3. On 16.5.2024 the applicant dug out common boundary between the lands of the applicant and the informant and he was carrying out soil to his land. The informant alongwith his brother Rushikesh, father Vilas, uncle Dhanraj, his son Rahul and another uncle Gopal and his son Anant and others went to the field and noticed that the applicant was digging the soil. They questioned the informant and his family members, driver Santosh Mane and other co-accused and had requested the applicant not to dig out the soil of the common boundary. At that time, the applicant refused to stop digging work. The applicant and other accused persons started to

abuse the informant. At that time, the applicant Chandrasen took out iron rod and started to assault the father of the informant by it. Co-accused Parmeshwar Mule took out a sickle and assaulted on the face and head of the informant's father. The applicant Chandrasen assaulted on the head of the father of informant with a rod. He fell down. The other co-accused assaulted the informant and others. When they were carrying out the father of the informant to the doctor for treatment, on a motor cycle, near to the agricultural land of Annarao Mule, the applicant and other co-accused reached there. They thrown stone and stopped the said motor cycles of the informant's side. At that time, the applicant and others had beaten the uncle of the informant Balaji Mule and others with iron road, by which they sustained serious injuries. At that time, other co-accused also assaulted Kamlakar and Gopal the uncles of the informant with iron rods. They also sustained injuries to their both legs and hands. Again they took father of the informant on the motor cycle. The father of the informant was taken to the civil hospital, where the doctor examined him and declared him dead. Therefore, report was lodged on the next day of the incident.

3. Learned advocate for the applicant submitted that all co-accused have been released on bail. The applicant has no criminal antecedents. The trial will take a long period. The charge sheet is

filed. The applicant will not flee away from the trial. He prayed that the bail may be granted to the applicant on the principle of parity.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in the serious crime of murder and for causing grievous injuries to other persons. The applicant's role is very specifically stated in the report and in the statements of witnesses. Death of the father of informant is caused by the applicant and he is prime accused. If he is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. There are earlier incidents and the reports are lodged against the applicant and informant for such type assaults etc. and thus the applicant has criminal antecedents. Learned A.P.P. therefore, prayed for rejection of the application.

5. Perused the charge sheet, particularly the report and statements of witnesses, the post mortem report and earlier reports lodged against the applicant and other co-accused. Thus, it appears that there are criminal antecedents and the quarrel took place frequently between the applicant and the informant side and therefore, if the applicant is released on bail, he will certainly commit similar nature of crime. The applicant is booked for serious crime of

murder and causing grievous hurts to the informant and other witnesses. Considering serious nature of the crime and role of this applicant, the application deserves to be rejected as the case is not made out for granting bail on the principle of parity as similar role of the applicant is not established. Hence, the following order:-

O R D E R

Application is rejected.

(SANJAY A. DESHMUKH, J.)

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