



{1}

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

BAIL APPLICATION NO. 2051 OF 2024

Indrajeet S/o. Ramesh Kasar,
Age: 35 years, Occ.: Labour,
R/o. Walki, Tq. & Dist. Ahmednagar. ... Applicant

Versus

The State of Maharashtra,
Through Pllice Station Officer,
Nagar Taluka Police Station,
Ahmednagar, Tq. & Dist. Ahmednagar. ..Respondent

.....

Mr. Shailendra S. Gangakhedkar, Advocate h/f Mr. N.Z. Siddiqui,
Advocate for Applicant
Mr. C.V. Bhadane, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 25 FEBRUARY 2025
PRONOUNCED ON : 27 FEBRUARY 2025

PER COURT :-

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0376 of 2023, registered at Ahmednagar Taluka Police Station for offences under Sections 302, 384, 386, 387, 323, 504, 506, 507, 120-B, 75 r/w 34 of the Indian Penal Code (IPC) and under Sections 3(1)(i), 3(2) and 3(4) of the Maharashtra Control of Organised Crime (MCOC) Act.

{2}

2. Learned counsel for applicant pointed out that in all four accused are booked for above crime, two are already released by this Court. Learned counsel took this Court through FIR, and submitted that, occurrence is at 04:15 p.m. on 30.04.2023. Deceased, who was allegedly given kicks and fist blows, reportedly died while undergoing treatment. However, according to learned counsel, opinion regarding the cause of death is not issued yet. That, MLC and inquest shows that, deceased fell in the house. Therefore, there is material, which contradicts informant's story of beating. That, other co-accused, who are released on bail were also named in the FIR. Therefore, on the ground of parity also, present applicant deserves the same treatment. Learned counsel also relied on previous orders in another bail application, wherein due to long incarceration, and as there was no chance of trial going to an end, such applicant had stood beneficiary of bail. Therefore, learned counsel has pressed into service such grounds also.

3. The learned APP strongly opposed the application on the ground that the applicant and co-accused mercilessly beaten the informant's father when their demand of extortion was not met. That, deceased died due to injuries to internal organs, such as

{3}

the lungs, and it is evident from the postmortem report. That, there was no other reason for cause of death. That, the death was a consequence of the merciless beating. That, apart from the above crime of IPC there are other crimes are also registered against the applicant and co-accused under the MCOCA. Therefore, on above grounds, learned APP seeks rejection of application.

4. Heard. Perused the papers. Report dated 30.04.2023 is at the instance of one Anuraj Lokhande, who reported police that, on 30.04.2023, at around 4:15 p.m., while he was in his clothing shop, his cousin Sakshi called him and informed him that the present applicant and his associate, Shubham, had arrived on a motorcycle and demanded money from her mother for running the shop and abusing her. On receipt of such information, informant rushed home and claims that, in his presence, present applicant and Shubham were demanding Rs.2,70,000/- from his aunt, and on failure, issuing threats to kill. He further reported that his father, Natha Lokhande, arrived and questioned the applicant and his associate about their demands for money, which led to verbal exchange of words, and when his father asked them to leave, they both, i.e., the present

{4}

applicant and Shubham, beat his father in stomach, chest by kicks and fist blows. When he and others intervened, they were also given beating and abuses. Informant claims that his father fell unconscious and was taken to the Hospital of Dr. Katkar, who was advised to be taken to Anandrushi Hospital at Ahmednagar. He further claims that, while he was in the house, informant received phone call from Vishwajeet Kasar directing him to comply with the demand made by his brother Indrajeet, and he also issued threats on phone. At around 6:10 p.m., informant claims that, he received a phone call from his uncle Shivaji asking him to come soon as his father's condition is deteriorating. On reaching Hospital, he was informed that his father had died. Hence, the report.

5. The principal ground pressed into service by learned counsel is that, there is no cause of death, and precisely co-accused Ashok Gund has been already granted bail by this Court vide order dated 19.09.2024. He stated that in the said order, this Court has observed that cause of death has not been issued.

6. On above submission, papers placed before this Court are minutely scrutinized. On visiting the postmortem report, column

{5}

No.17 carrying four injuries. Three injuries on right arm, right elbow, middle portion of the back and one is on lateral aspect on upper chest walls, having injury admeasuring 17 cm X 07 Cm and dark red in colour. In column No.20, as regards to lung is concerned, it seems that there is contusion over right lung admeasuring 6 cm X 4.5 cm. Therefore, though opinion is reserved for viscera and analysis, injuries noted above are on the internal vital part. Learned APP has placed on record papers, which show that apart from the above crime of IPC there are charges of MCOCA, and other papers are also placed on record, like CDR, social media status, photographs etc.

7. One Ashok @ Sonu Vitthal Gund seems to be a beneficiary of bail order at the hands of this Court in Bail Application No.1340 of 2024, but on going through the said order, it is clear that his role was limited to making a telephone call, and therefore, with specific observation to that extent, wherein there is reference of present applicant to be the main accused, said applicant was granted bail.

8. Here, informant, who has seen the occurrence, has named the present applicant along with Shubham, therefore, reference cannot be said to be identical, so as to press into service the

{6}

ground of parity. Moreover, learned APP fairly concedes that though the matter is at the stage of framing charge, but it is on the same stage for last six months. Therefore, if charges are not framed within three months from today, the applicant will be at liberty to file a fresh bail application.

9. In the light of above, material, this Court is not in favour to grant bail. Hence, the following order :

ORDER

Bail Application No.2051 of 2024 is rejected

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane