



{1}

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

BAIL APPLICATION NO.2087 OF 2024

Kundan Ravindra Patil,
Age: 27 years, Occu.: Service,
R/o. Plot No.53, Rameshwar Colony,
Jalgaon, Dist. Jalgaon.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector
Police Station M.I.D.C.
District Jalgaon.

... Respondent

.....
Mr. A.K. Bhosale, Advocate for Applicant
Mr. N.D. Batule, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 MARCH 2025

PRONOUNCED ON : 19 MARCH 2025

PER COURT :-

1. Applicant seeks grant of bail on account of his arrest in Crime No.0383 of 2023, registered at M.I.D.C. Police Station, Jalgaon, District Jalgaon for offences punishable under Sections 302, 120-B r/w 34 of the Indian Penal Code (IPC).

2. Learned counsel pointed out that applicant is arrested in above crime on 13.06.2023 itself. That, present application is successive bail application. That, in all four accused are booked.

{2}

It is pointed out that, allegations are levelled that, there was teasing, beating and administering poisonous substances to deceased, who are already mentally sick person. Learned counsel pointed out that, though there are allegations of administration of poison, C.A. report is negative. Learned counsel invited the attention of this Court to postmortem report, and would submit that, viscera is preserved and its report is to be received, and till date opinion regarding the cause of death is not issued yet. He further pointed out that, another co-accused Sunny Jadhav is already granted bail by this Court vide order dated 07.10.2024. Therefore, on above both counts, learned counsel seeks bail, as according to him, investigation is already over and charge-sheet is filed in September 2023, and there are no immediate prospects of matter going for trial. For all above reasons, relief of regular bail is pressed into service.

3. Learned APP opposed on the ground that 16 injuries are noted on the person of deceased, who was said to be mentally retired. According to learned APP, there are two direct eyewitnesses coupled with transcription of CCTV footage, which defines role of the applicant. Therefore, taking such material into consideration, according to learned APP, though investigation is over and charge-sheet is filed, applicant does not deserve relief of bail even on the

{3}

ground of parity, as his role is cannot be equated with the other accused, who was granted bail.

4. Heard. Perused the papers. FIR dated 13.06.2013 is at the instance of one Prakash Choudhari. He has reported police that, he has a son by name Chetan. On 11.06.2023, he received a phone call from Shubham Patil informing that, Sachin Kailas Chavan, Sonya @ Tushar Jadhav, Sunny Jadhav, Kundan Patil, all residents of Rameshwar Colony are beating his son. Therefore, he reached there, intervened, and took his son to the Hospital. He claims that, while undergoing treatment, his son named above persons for beating him, however, his died around 20:30 Hrs., and therefore, he has lodged the above report.

5. Apparently, report is for committing murder in the backdrop of previous dispute. Including present applicant, other three accused are named. Now, investigation is said to be over, and charge-sheet is filed in September 2023 itself. Column No.17 carries 16 injuries and viscera was preserved on the same day, however, report is awaited. Learned APP, on Court query, answered that viscera has been dispatched, but final cause of death is not received. As applicant is behind the bars since June 2023, almost two years coming to an end in June 2025. Other accused, namely; Sunny Jadhav is already granted bail, and when progress of the

{4}

trial and its commencement is uncertain, to avoid long pre-trial incarceration, even applicant deserves relief of bail. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Kundan Ravindra Patil, be released on bail in connection with Crime No.0383 of 2023, registered at M.I.D.C. Police Station, Jalgaon, District Jalgaon, on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] He should attend the trial on each date.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane