



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2143 OF 2024

Movasha Desha Pawara,
Age : 34 years, Occu: Agriculturist,
R/o Rupsingpada, Fattepur, Post Kolid,
Taluka Shirpur, District Dhule. ... Applicant

Versus

The State of Maharashtra
Through Shirpur Taluka Police Station,
District Dhule. ... Respondent

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Mr. Siddhesh S. Ghodke, Advocate for the Applicant
Mr. V. M. Jaware, APP for Respondent-State
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 10.01.2025
Pronounced on : 13.01.2025

ORDER :

1. Present applicant seeks enlargement on bail as a result of his arrest in crime bearing no. 184 of 2024 registered at Shirpur Taluka Police Station, District Dhule for offences punishable under Sections 105 and 125 of the Bhartiya Nyaya Sanhita [BNS].

2. Learned counsel pointed out that applicant is arrested in above crime on 03.07.2024 regarding incident of morning of 02.07.2024. He pointed out that deceased himself was sick and infirm. There are allegations of pelting stones for cultivating land. That, there was no intention to kill. Alleged incident of pelting stones took place suddenly and it was not planned. Learned counsel submitted that autopsy surgeon opined death due to multi-organ failure and according to learned counsel, above allegations of pelting stones cannot be said to be the cause of death. That, now charge sheet is filed and nothing is to be recovered or discovered at the instance of applicant and hence he prays for bail of the applicant.

3. While opposing the above application, learned APP pointed out that informant, who is agricultural labour, is an eye witness. He has lodged report about present applicant arriving at the field and questioning deceased for cultivating the land. That, this witness has seen stones being pelted on deceased, who allegedly fell and never woke up. Offence of murder is registered and hence learned APP prays to dismiss the application.

4. After considering the submissions of both sides and on going through the papers, more particularly FIR, it transpires that report is by one Siyaram Ratilal Pawra, an agricultural labour engaged by deceased. He claims that, around 11.00 a.m. present applicant came to the house of deceased along with his family members and questioned deceased for cultivating land. Informant claims that present applicant picked up stones lying on the ground and pelted it in the direction of deceased, hitting him on his waist and near right eye, as a result of which, deceased fell. Informant claims that, in spite of knowing that deceased was weak and emaciated, applicant pelted stones on him, and when he was taken to hospital, he was declared dead. On such report, crime seems to have been registered at Shirpur Taluka Police Station.

5. Postmortem report, to which attention is invited, shows that autopsy surgeon has opined cause of death as 'death due to multi-organ failure'. Thus, as submitted, there are allegations of pelting stones, but death is attributed to organ failure. Viscera is preserved for C.A. and its report is yet not received. Considering such material, nature of allegations and opinion about cause of death, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Movasha Desha Pawara, be released on bail in connection with crime bearing no. 184 of 2024 registered at Shirpur Taluka Police Station, District Dhule, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount.
- III. The applicant shall not tamper prosecution evidence.

[ABHAY S. WAGHWASE, J.]

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