



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2282 OF 2024

Dnyaneshwar @ Nana Abhiman Patil  
Age: 58 years, Occu.: Agriculture,  
R/o. Waghali, Tq.Chalisgaon,  
Dist.Jalgaon.

....Applicant

**Versus**

State of Maharashtra  
Police Station Officer,  
Pachora Police Station,  
Pachora, Dist.Jalgaon.

....Respondent

.....

Advocate for Applicant : Mr. Satyajit S. Bora  
APP for Respondent : Mr.V.M.Jaware

.....

**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 30 JANUARY, 2025**

**PRONOUNCED ON : 03 FEBRUARY, 2025**

**ORDER :**

1. This is regular bail application on account of arrest of applicant in crime no.0055 of 2024 registered at Pachora Police Station, Dist.Jalgaon for offence under Sections 302, 307, 326, 323, 352, 504, 506 read with 34 of the Indian Penal Code (IPC).

2. Learned counsel for the applicant submitted that this is a successive bail application. That, first bail application was

withdrawn. That, applicant is behind bars since 17-02-2024 on account of his arrest in occurrence dated 12-02-2024. Learned counsel pointed out that incident took place all of a sudden and there was no premeditation. That, initially quarrel was on account of giving way for loading Trucks with cotton. That, there are allegation that initially, father of informant was abused and given slaps. That, thereafter, there is allegation that informant's brother Zuber intervened and that he was hit by means of tommy. Learned counsel submitted that initially history reported in the hospital was of being assaulted by unknown person. Thereafter, in the FIR, which is delayed, name and role of applicant is included by improvising version. He pointed out that even independent witness speaks about mere use of tile and allegations of use of tommy are a patent lie. That, in the MLC, noting is about being hit by tile. That, applicant is behind bars since long and according to him, in the background in which incident took place, and considering the use of alleged article, it would not be a case of Section 302 of the IPC. For above reasons, he seeks enlargement on bail.

3. Learned APP opposed the application on the ground that applicant is subsequently named. That, on petty count of taking

vehicle aside, there is initial abuse and when understanding was tried to be given by father of informant, he was beaten and when Zuber intervened, there is assault on Zuber by means of tommy that too on vital part like head. That, applicant hit tommy on head of Zuber, who reportedly died due to head injury. Therefore, offence being serious, learned APP has opposed relief of bail.

4. Heard. Perused the papers. FIR is at the instance of Shahrukh Hanif Pathan. He has reported Pachora Police on 13-02-2024, that on 12-02-2024, in the afternoon, when he and his brother with the help of others were loading cotton in a vehicle, present applicant came there with his vehicle and started abusing and on being questioned to that extent by informant's father namely Hanif, it is alleged that present applicant beat Hanif with slaps and fists. Consequently, informant's brother Zuber tried to intervene, but he was also abused and it was alleged that present applicant took out tommy from his vehicle and hit it on the head of Zuber. It is reported that at the very time, applicant's son namely Rahul, picked up a tile lying on the road and he too hit it on the head of Zuber as a result of which, Zuber suffered injury and had collapsed. Chargesheet comprises of injury certificate and it appears that on examination at

06:00 p.m., Doctor at Axon Brain Hospital has noted six grievous injuries on frontal region, fronto temporal region, fronto parietal lobe etc. and injuries are reported to be fresh. Deceased was treated but is shown to have succumbed. Post mortem report, which is also part of chargesheet shows that deceased has suffered as many as six injuries, details of which are reflected in column no.17 of the post mortem report. Death is opined to be due to “head injury”. Now, submissions before this Court are made that primarily history given in the hospital is of assault by unknown person. However, even if it is so, here there is report by direct eye witness, who is brother of deceased. Initially, his father was beaten and subsequently, brother Zuber was assaulted by article like tommy. Apparently, deceased Zuber died due to head injury. Therefore, though chargesheet is filed, considering the accusations against the applicant, this Court is not inclined to grant relief. Hence, the following order :

**ORDER**

Application is rejected.

**( ABHAY S. WAGHWASE )**  
**JUDGE**