



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

BAIL APPLICATION NO.2296 OF 2024

Rajendra S/o Tukaram Medhe
Age: 52 years, Occu.: Labour
R/o. Near Government Milk Dairy,
Dhule, Tq. and Dist. Dhule

... Applicant

Versus

The State of Maharashtra
For Dhule City Police Station,
Tq. & Dist. Dhule

... Respondent

WITH

CRIMINAL APPLICATION NO.298 OF 2025 IN BA/2296/2024

Hrishikesh s/O Chagan Guldagade,
Age: 25 YEARS, Occu.: Labour,
R/o. Sahjivan Nagar, Sakkiya Dudh Dery
Samor, VTC, Dist.Dhule.

... Applicant

Versus

1. The State of Maharashtra
2. Rajendra S/o Tukaram Medhe,
Age: 52 years, Occu.: Labour
R/o. Near Government Milk Dairy,
Sahjeevan Nagar, Dist. Dhule

... Respondents

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Mr. Amol S.Gandhi, Advocate for Applicant
Mr. V.M. Jaware, APP for Respondent – State
Ms. Sohil Subhedar, Advocate h/f Mr. N.S. Ghanekar, Advocate for
Informant

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 29 JANUARY 2025

PRONOUNCED ON : 31 JANUARY 2025

ORDER :

1. In this application, prayers are set up for grant of regular bail on account of arrest of applicant in Crime No.0107 of 2024 registered at Dhule City Police Station, District Dhule for offences punishable under Sections 302, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code (IPC) and under Sections 37(1), 37(3), 37(3) and 135 of the Maharashtra Police Act.

2. Criminal Application No. 298 of 2025 is filed by original complainant seeking permission to assist learned APP for opposing the bail application. For the reasons mentioned in the application, the applicant is permitted to assist learned APP. Criminal Application No. 298 of 2025 is accordingly disposed of.

3. It is pointed out by learned counsel for the applicant that, the present applicant is the father of accused Nos.1 and 2. That, applicant is arrested on 05.03.2024 regarding some occurrence dated 04.03.2024. Learned counsel pointed out that alleged incident took place in the backdrop of previous enmity regarding an incident of the year 2018. That, allegation against the present applicant is of hitting stone. That, other allegations are against the main accused. He pointed out that, this Court had granted bail to one of the accused in Bail Application No.1627 of 2024 by order dated 10.10.2024. That, present applicant is also similarly placed. That, only allegation against

him is of pelting stone. That, nothing is to be recovered from him. That, now investigation is over, and the charge-sheet is also filed in May 2024. That, applicant is behind the bars since long. For above all reasons, learned counsel seeks relief of regular bail.

4. Learned APP as well as learned counsel for the informant has strongly opposed on the ground that murder has been committed. That, postmortem report shows that deceased brother of informant was mercilessly assaulted with sharp weapons. That, five persons are booked including present applicant. That, the deceased had suffered as many as fifteen injuries, and died due to the same. That, applicant has specifically named by eye witnesses including informant-brother of deceased. Therefore, there being serious allegations, they both have opposed the bail application.

5. Heard both the sides. Perused the papers and FIR. Informant Rushikesh Chagan Guldagde, has approached Dhule City Police Station on 04.03.2024 reporting that, accused Harshal, Aditya and present applicant were known to his deceased brother Amol. That, in December 2018, crime was registered against Harshal Medhe for the offence under Section 395 of IPC, therein he had allegedly named the present informant. That, on 03.03.2024, he claims that at 12:00 hours, when he and others were returning after watching cricket match, and when they were standing near the Mahadev Mandir, around 12:15 hours, shouts

and abuses were heard naming his brother to be killed, and therefore, Akash Kannor, Chetan Patil, Akash Sonawane and Mayur Guldge rushed there, and then he claims that Aditya, Harshal and the present applicant were assaulting his brother near pan stall. Allegations of the use of sharp weapons are attributed to Aditya, and allegation of attempting to strangle is attributed to his brother Harshal. As regards to present applicant is concerned, it is alleged that he hit the stone, which causing injury to the toe of deceased. The deceased on being admitted to Hospital was declared dead. On above report, crime has been registered. Therefore, the present applicant is among the five members, including his son. Column No.17 of the postmortem report shows that deceased has suffered as many as fifteen injures, and was reported dead on being admitted to Hospital. However, as regards to present applicant is concerned, informant-brother has specifically attributed the role of hitting stone. Statement is made across the bar by the learned counsel for the applicant that, there is no recovery of stone. Such submissions are not countered or refuted by the learned APP. The incident in question seems to have taken place in the backdrop of previous enmity. Main allegations are against the accused Harshal and Aditya. Therefore, taking into consideration the same, present application deserves to be allowed. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Rajendra S/o Tukaram Medhe be released on bail in connection with Crime No.0107 of 2024 registered at Dhule City Police Station, District Dhule on executing Personal Bond of Rs.15,000/- with one surety in the like amount, on following conditions:
 - (a) The applicant shall not enter Dhule City till conclusion of trial.
 - (b) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE, J.)

S P Rane