



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

BAIL APPLICATION NO.2060 OF 2024

1. Keshav Rameshwar Ufad
Age: 47 years, Occu.: Agriculture,
R/o. Ner, Tq. & Dist. Jalna.

2. Sham Kailas Ufad
Age: 28 years, Occu.: Agriculture,
R/o. Ner, Tq. & Dist. Jalna.

3. Amol Kailas Ufad
Age: 30 years, Occu.: Agriculture,
R/o. Ner, Tq. & Dist. Jalna.

... Applicants

Versus

1. The State of Maharashtra
Through Officer In Charge,
Police Station Moujpuri,
Dist. Jalna.

2. The Superintendent of Police,
Jalna, Dist. Jalna.

... Respondents

WITH

CRIMINAL APPLICATION NO.4917 OF 2024 IN BA/2060/2024

Shri Shashank Anil Ufad
Age: 24 years, Occu.: Agriculture,
R/o. Ner, Tq. & Dist. Jalna.

... Applicants

Versus

1. Keshav Rameshwar Ufad
Age: 47 years, Occu.: Agriculture,

2. Sham Kailas Ufad
Age: 28 years, Occu.: Agriculture,

3. Amol Kailas Ufad
Age: 30 years, Occu.: Agriculture,
All R/o. Ner, Tq. & Dist. Jalna.

4. The State of Maharashtra
Through Police Inspector,
Moujpuri Police Station,
Tq. & Dist. Jalna.

... Respondents

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Mr. Sudarshan J. Salunke, Advocate for Applicants/Accused
Mr. P.K. Lakhotiya, APP for Respondent – State
Mr. Umesh G. Mitkari, Advocate for Informant

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 30 JANUARY 2025

PRONOUNCED ON : 03 FEBRUARY 2025

ORDER :

1. Applicants seek grant of regular bail on account of their arrest in Crime No.172 of 2024 registered at Moujpuri Police Station, District Jalna for offences punishable under Sections 302, 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code (IPC).

2. Criminal Application No. 4917 of 2024 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. 4917 of 2024 is accordingly disposed of.

3. Pointing to the date of arrest as 15.06.2024, learned counsel for applicants submitted that, the said arrest is on account of FIR dated 14.06.2024. That, alleged incident has taken place on mere use of way. That, there are allegations of assault, but no specific role is attributed to the

present applicants. That, they were not present when initially incident took place. That, general and sweeping allegations are made. He pointed out that, there are said to be two injured, but there is no medical injury certificates. He further pointed out that, there is counter FIR from present applicants' side. That, it is an incident of free fight. That, entire family has been roped in. That, now charge sheet is filed and nothing is to be recovered or discovered at the instance of applicants and hence he prays for bail of the applicant.

4. Learned APP as well as learned counsel for the informant has strongly opposed the bail application on the ground that there is death. That, there is merciless beating. That, there are allegations of assault by spade. Learned APP pointed out that, witnesses namely Somesh Ufad and Raghunath Ufad had defined role of applicants that they have used sticks as well as iron spade. That, deceased died due to head injury and incised wounds. That, there are eye witnesses account, and hence for all above reasons, they both have opposed to grant of bail.

5. Heard both the sides. Perused the papers. FIR at the instance of one Shashank Anil Ufad, who has reported police that on 14.06.2024, in the afternoon, when he, his uncle Santosh, cousin Somesh Ufad were cultivating land, at that time, their kinsman namely Kailas Rameshwar Ufad was using the way through their field and so informant's uncle Santosh objected. It is reported that, at that time, Kailas abused his uncle and by catching hold

informant's neck and making him fall. At that time, brother of Kailas namely Arun Ufad and his son Aditya Ufad came at the scene with sticks, and assaulted the informant and his uncle. It is further reported that, Kailas telephoned and called Keshav Ufad and his children namely Amol, Sham, Sangita and Narmada and they arrived at the scene. Then, it is alleged that Arun used Axe, Kailas used iron spade and sticks. Injured were taken to the Hospital and Santosh i.e. uncle succumbed to injuries. On visiting his postmortem report, column No.17 seems to be as many as over 15 injuries, and is reported to have died due to shock due to head injuries and incised wounds associated with other injuries. Here, charge of murder and attempt to murder is applied by invoking section 194 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. On going through the statements of Somesh Santosh Ufad and Raghunath Parmeshwar Ufad, events that took place are narrated by these eye witnesses. Here, there is direct eye witness account. Accused party seems to have entered the field of informant party and mounted an assault after being telephoned and called by Kailas. Thus, it seems they all came prepared. Taking the above nature of allegations in to consideration, this Court is not inclined to grant relief as prayed. Hence, the following order :

ORDER

Application is rejected.

(ABHAY S. WAGHWASE, J.)