



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

BAIL APPLICATION NO. 2369 OF 2024

1. Dnyaneshwar @ Pappu Arun More,
Age : 38 Years, Occu. : Labour,
R/o. Sanja, Tq. & Dist. Dharashiv.
2. Rahul @ Gotya Anil Salunke,
Age : 25 Years, Occu. : Labour,
R/o. Sanja, Tq. & Dist. Dharashiv.
3. Digambar @ Maharaj Trimbak Mendhe,
Age : 39 Years, Occu. : Labour,
R/o. Sanja, Tq. & Dist. Dharashiv.

... Applicants

VERSUS

The State of Maharashtra
Through Police Station Incharge,
Anand Nagar Police Station,
Dharashiv, Tq. & Dist. Dharashiv.

... Respondent

....
Advocate for Applicants : Mr. Abhijit S. More
APP for Respondent-State : Mr. S.B. Narwade
....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10th February, 2025

PRONOUNCED ON : 12th February, 2025

ORDER :

1. The applicants seek enlargement on regular bail on account of their arrest in crime bearing No.0098 of 2024, registered at Anand Nagar Police Station, Dist. Dharashiv, for offences under

Sections 302, 307, 341, 143, 147, 148 and 149 of the Indian Penal Code, 1860.

2. Learned counsel for the applicants took this court through the papers and FIR dated 18.03.2024. He submitted that, in all seven persons were apprehended. That, persons namely, Sachin @ Bhaiya Kashinath Yadav, Sujit Nanasaheb Nimbalkar and Kaka Arun More had applied for bail and were released on bail. As regards to the present applicants are concerned, similar role is attributed to them. That, moreover, name of the applicants does not figure in the FIR. That, alleged occurrence is of dated 18.03.2024. That, one of the injured allegedly identified the present applicants also. However, said identification is conducted on 26.04.2024 i.e. almost one month after the occurrence. That, there is recovery at the instance of one Sujit Nimbalkar and he is already beneficiary of bail. That, now charge-sheet is already filed on 10.06.2024. That, charge is not framed yet and date of commencement of trial is also not fixed and therefore, as further trial is uncertain, learned counsel seeks grant of bail on ground of parity.

3. Learned APP opposed the bail application on the ground that, report is by wife of the deceased. That, mere on suspicion of

theft of tractor, there is merciless beating by means of hunters, sticks, iron pipes by at least 20 to 25 people including the present applicants. That, deceased died due to multiple injuries. Therefore, serious offence is committed. That, injured eyewitness has identified the present applicants and hence, he seeks rejection of the application.

4. Heard both the sides. Perused the papers. Apparently, FIR is by wife of the deceased, who reported police on 18.03.2024 that, in the morning, her husband namely, Ashok Shinde, left the house at 6.30 a.m. That, she got news about some occurrence, therefore she left with her tenant towards Sanja Village and there, she found her husband in unconscious condition. Therefore, with the help of brother, husband was taken to the hospital.

5. The informant claims that, on the way, she had asked her husband about the occurrence and he told her that, on account of theft of a tractor, its owner and 20 to 25 persons suspected that, he committed theft and on such account, he was assaulted by hunters, sticks and iron pipes. That, when her husband was taken to the hospital, he was declared dead. Therefore, she lodged report against the tractor owner and 20 to 25 persons.

6. As pointed out, the applicants are not named. Charge-sheet shows that, as many as seven persons are named and charge-sheeted. Three accused namely, Sachin @ Bhaiya Kashinath Yadav, Sujit Nanasaheb Nimbalkar and Kaka Arun More seems to have approached to this court and this court by order dated 04.10.2024, has granted regular bail to them. Therefore, ground of parity comes into play.

7. As discussed above, charge-sheet is shown to be filed on 10.06.2024. What is to be further recovered is not made known to this court nor there is any concrete material suggesting date of framing of charge or matter going for trial. Considering the same and more particularly, nature of allegations, relief as prayed deserves to be granted. Hence, following order is passed.

ORDER

- i) The application is allowed.
- ii) Applicant 1) Dnyaneshwar @ Pappu Arun More, 2) Rahul @ Gotya Anil Salunke and 3) Digambar @ Maharaj Trimbak Mendhe, be released on bail in connection with Crime No.0098 of 2024, registered with Anand Nagar Police Station, Dist. Dharashiv, on executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each with one surety each in the like amount.

- iii) The applicants shall not tamper prosecution evidence.
- iv) The applicants shall not leave the jurisdiction of Police Station Anand Nagar, Dist. Dharashiv, without prior permission of this court, till the conclusion of trial.
- v) Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

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