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Bail Application in S.T. No. 48/ 2024  
State Vs. Devidas Sitaram Tale

**Criminal Bail Application in Session Case No. 48/2024**

State of Maharashtra

Vs.

Devidas Sitaram Tale

(CNR NO. MHBU20-000724-2024)

**ORDER BELOW EXH. 52**

**(Passed on this the 08<sup>th</sup> Day of April, 2026)**

**01]** Applicant - **Devidas Sitaram Tale** has filed regular bail application under Section 483 of The Bharatiya Nagarik Suraksha Sanhita in connection with crime No. 110/2024 registered at Police Station, Sakharkherda for the offence punishable under Section 302, 307, 324, 504, 506 r/w 34 of the Indian Penal Code.

**02]** It is the case of prosecution that on 19.04.2024 at about 09.30 a.m. at Sawangi Tea point accused Devidas and his two sons were beating to the brother of informant namely Eknath. Accused Pavan and accused Shrikrushn caught hold his hand, whereas accused Sitaram gave blow of iron rod on the head of Eknath. Brother of informant - Hariram intervened to resolve the dispute and that time accused Devidas beat him by means of iron rod. Accused Shrikrushn gave blow of iron fighter on the face of Hariram. Meanwhile, informant also intervened to resolve the dispute. Accused Devidas told him to give 4 Gunthe excess land. He gave blow of iron rod on his back and that time accused Shrikrushn caught hold his hand. Accused Pavan also beat him by means of

stick. He threatened to kill him and abused in filthy language. After this incident, informant lodged report at Police Station, Sakharkherda. Injured Eknath died in Shrikrupa hospital, Chikhali during treatment, therefore, Section 302 of I.P.C. came to be added in crime No. 110/2024 registered at Police Station, Sakharkherda.

**03]** Learned defence counsel Mr. T. M. Kale for the applicant vehemently argued that incident took place on 19.04.2024 and report came to be lodged on 30.04.2024 at belated stage. Initially an offence under Section 324 was registered against the accused person and later-on 302 of I.P.C. came to added in this crime. Accused Nos. 2 to 3 and 4 are released on bail, therefore, applicant is entitled to be released on bail on the ground of parity. Learned defence counsel pointed out various document in the charge-sheet. He submitted that three different spot of incident are shown in the charge-sheet and one person cannot be present at the same time on three different places, which creates doubt around the story of prosecution. He pointed out medical form and medical papers of deceased in which dates of admission are different. He further submitted that statement of witnesses are recorded at belated stage and after thought. From dated 01.10.2025 case is awaiting for *muddemal*. Trial would take sufficient time to reach at its conclusion.

**04]** Pointing out allegation in the report and first information report, learned counsel submitted that applicant never

intended to kill any person. He did not cause single injury to deceased Eknath. The prosecution has not satisfactorily explained 12 days delay in lodging report, which indicates that report was lodged after thought. He further submitted that deceased fell down from motorcycle resulted into his death, but the applicant is falsely implicated in this case. The applicant is law abiding person. He is ready and willing to abide himself with any condition of bail order. Therefore, learned counsel prayed to release the applicant on grant bail. To justify the argument learned counsel relied on the Judgment of the Hon'ble Supreme Court i.e. **Javed Gulam Nabi Shaikh Vs. The State of Maharashtra, in Criminal Appeal No. 2787/2024 (Arising out of SLP (Crl) No. 3809 of 204).**

**05]** Per contra learned A.P.P. Mr. S. H. Joshi for the State strongly opposed bail application relying on the say of Investigating Officer. He submitted that informant and injured were admitted in the hospital and therefore, delay caused in lodging report. He further submitted that delay is satisfactorily explained. He further submitted that applicant has taken active participation in the commission of murder of Eknath. Prima-facie case is made out against the applicant. He further submitted that if the applicant is released on bail, he may tamper to prosecution witnesses. Therefore, learned A.P.P. prayed to reject the bail application.

**06]** Having considered rival submission of either side I have carefully gone through case papers. Pursuant to report, F.I.R.

and statement of witnesses it explicit that applicant is prime accused in this case. His role is completely different than the role committed by other accused released on bail. The applicant has actively participated along-with other accused person in the commission of murder of Eknath. The applicant gave blow of iron rod on the head of Eknath resulted into his death during treatment in hospital. Pursuant to medical papers it appears that Eknath was treated as P.H.C. Sakharkherda on the same date of incident i.e. on 19.04.2024 at about 11 a.m. and thereafter, he was shifted to Shrikrupa Hospital, Chikhali. Mistakenly date 20.04.2024 is written on medical form, but overleaf to it correct date of incident and time of medical examination is written. Medical papers, postmortem report goes to support the case of prosecution. For these reasons present case stands on different footing than the facts of the reported Judgment cited supra. Therefore, Judgment of **Javed Gulam** is not helpful to the applicant.

**07]** It is undisputed fact that applicant and injured, witnesses are neighbours and relatives of each other. If the applicant is released on bail, he may tamper to prosecution's evidence or he may flee from justice. The prosecution is ready for speedy trial and conclude the same within a short period as and when they will receive muddemal in this crime. Hence, considering nature and gravity of the offence, punishment prescribed thereof and role of applicant, application is liable to be rejected. With this, I proceed to pass following order.

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**- O R D E R -**

Bail Application (Exh. 52) is rejected.

(Dictated and pronounced in open court).

Place: Mehkar  
Date : 08.04.2026

**(Sagar K. Mungilwar)**  
**Additional Sessions Judge**  
**Mehkar, Dist. Buldhana**

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**CERTIFICATE**

I affirm that the contents of this PDF file Order / Judgment are correct word to word as per the original.

Name of Court : Shri. Sagar K. Mungilwar  
Additional Sessions Judge, Mehkar,  
Dist. Buldhana.

Name of Steno : Shaikh Imran Abdul Rauf,  
Stenographer, Grade-1, Mehkar.

Date : 08.04.2026