

ORDER BELOW EXH.6 IN SESSIONS CASE No.45/2025

(State ..v/s.. Keshav & other)

1] This application is filed under 483 of B.N.S.S.-2023 in crime No.35/2025 of police station Dharashiv (Rural), registered for the offence under sections 103 (1), 118 (1), 115 (2), 352, 61 (1), 189 (2) 191 (2), 191 (3), 190 of BNS. Brief facts of this case may be stated as follows.

2] Prosecution case in short is that, on 02.02.2025 at about 12.00 p.m. all the accused have attacked on Eknath Bhima Harale, r/o. Ghatangri, Tq. Dharashiv, aged about 80 years. It is alleged that, accused Keshav Harale was armed with iron rod. Accused Mahadeo Harale was armed with stick. Accused Vaishnavi Harale was armed with stone. Accused Sahadeo Harale was also armed with stick. Accused Rajubai Harale, Hanumant Harale assaulted to Eknath Harale by hand and kick blows. The report is lodged by Kalpana Halare, daughter-in-law of Eknath Harale on 03.02.2025. On 04.02.2025 the injured Eknath Harale succumbed to injuries.

3] Advocate V. P. Sakhare for the applicant submits that, Hon'ble Bombay High Court has granted anticipatory bail to co-accused Sahadeo Harale. Applicant's Adv. further submits that, earlier bail application of the applicant has been rejected by this Court mainly on the ground that, investigation was not completed. Now investigation is completed. Applicant's advocate

further submits that, applicant is falsely involved in this crime. In the FIR, it is alleged that, applicant has assaulted to the deceased by hand and kick blows. Applicant's advocate further submits that, in the supplementary statement the informant has given different time of offence. Applicant's advocate further submits that, there is long standing civil litigation between parties. Applicant's advocate further submits that, seriousness of the offence or criminal background of the applicant is not a ground to reject the bail application. To support the above argument, applicant's advocate has relied upon following cases.

- a) Sahadev Prabhu Harale ..v/s.. The State of Maharashtra, in [Criminal Writ Petition No.266 of 2025, decided on 11.03.2025 by Hon'ble High Court of Judicature of Bombay Bench at Aurangabad.]
- b) Hanumant Shahaji Harale ..v/s.. The State of Maharashtra, [Criminal Bail Application No.84/2025, decided on 24.03.2025 by Additional Sessions Judge, Osmanabad.]
- c) Kundan Ashok Thakre ..v/s.. State of Maharashtra, [DLD (cri) 2022-1485.]
- d) Sayyad Akheb Ahmad Akbar Ahmad ..v/s.. The State of Maharashtra, [DLD (Cri) 2022-1883.]
- e) Anil Hiranman More ..v/s.. The State of Maharashtra, [DLD (Cri) 2024-3612.]
- f) Raju Bhagwat Suryawanshi ..v/s.. The State of Maharashtra, [DLD (Cri) 2024-3476.]

g) Prabhakar Tewari ..v/s.. State of U.P., [Criminal Appeal No.152 of 2020 (Arising out of Special Leave Petition (Cri.) No.9207 of 2019), decided on 24.01.2020 by the Hon'ble Supreme Court of India.]

4] On the other hand Ld. DGP Mr. M.B. Deshmukh submits that, the Hon'ble High Court has granted bail to co-accused Sahadeo Harale mainly on the ground that, the co-accused has taken defence of alibi. This ground is not applicable to the present applicant. Ld. DGP further submits that, applicant was present at the place of offence. All the accused have formed an unlawful assembly to commit murder of Eknath Harale. Victim is 80 years old. Even the forceful fist blows by several persons are sufficient to cause the death of person of 80 years old. This Court has rejected the earlier bail application of applicant. So this application also may be rejected.

5] Informant has objected to this application by filing say below Exh.8. I have also heard Adv. A.S. Warudkar for the informant. Adv. Warudkar submits that, the informant's family is economically poor family, while the family of the accused is rich and powerful family. All the accused have grabbed the land of deceased. After the incident the relatives of applicant have again attacked on informant and Crime No.67/2025 has been registered at Rural Police Station, Dharashiv. Adv. Warudkar further submits that, applicant is likely to repeat the incident. So application may be rejected.

6] I have perused the charge-sheet. The Investigating Officer has submitted the charge-sheet only against accused No.1 to 3 on 15.05.2025. It is submitted that, the charge-sheet against rest of the accused persons will be submitted after completion of the investigation of their part.

7] In the FIR the role attributed to the present applicant is that, he has assaulted to deceased Eknath Harale by hand and kick blows. In the supplementary statement dated 10.02.2025, the informant has attributed same role to the present applicant.

8] P. M. Report shows that, cause of death is head injury.

9] The Investigation Officer has submitted that, crime No.116/2016 for the offence under section 143, 147, 148, 149, 324, 323, 504, 506 of IPC has been registered against applicant at Dharashiv Rural police station. Another crime No.182/2016 for the offence under section 307, 325, 143, 147, 148, 149, 504, 506 of IPC has been registered against the applicant at Dharashiv Rural police station. The Investigation Officer has objected this application on the ground that, the applicant has criminal background.

10] According to me, the submissions of Investigation Officer is not acceptable in view of the observations of Hon'ble Supreme Court in Criminal Appeal No.152/2020 decided on

24.01.2020 (cited supra). In this case the Hon'ble Supreme Court has held that, seriousness of the offence and pending criminal cases against accused, these factors by themselves cannot be basis for refusal of prayer for bail.

11] Admittedly, the earlier bail application of the applicant was rejected by this Court on 24.03.2025. This order was passed by my Ld. Predecessor Smt. T.G. Mitkari. After passing this order, charge-sheet has been submitted against accused on 15.05.2025. Now, the investigation part is completed. Nothing is left to recover from the applicant. I am also of the opinion that, no any purpose will be served by keeping the applicant behind the bars.

12] Crime No. 67/2025 has been registered at Dharashiv Rural police station against Sugriv Mahadeo Harale and others. Admittedly, the applicant is not a accused person in this crime. So registration of this crime is also not a just and sufficient ground to reject this application of the applicant.

13] For these reasons I have came to the conclusion that, applicant has made out a case to release him on bail. With this conclusion, I proceed to pass following order.

ORDER

- 1) Application is allowed as follows.
- 2) Applicant Hanumant Shahaji Harale shall be released on bail on furnishing P.B. of Rs.25,000/- and S.B. of the like amount.

- 3) Till the charge-sheet is submitted against all the accused persons, applicant shall not enter the village Ghatangri, Tq. Dharashiv and shall not contact to the informant or any other prosecution witnesses by any manner whensoever and shall not pressurize to them.
- 4) Applicant shall attend the court regularly.
- 5) Applicant shall not involve any other crime during the bail.

Date :- 19.06.2025

[A. S. Awate]
D.J. - 3 & A. S. J. Dharashiv.

C E R T I F I C A T E

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

Name of Stenographer	Mahesh Abhimanyu Pawar (Grade-I)
Name of Court	Additional Sessions Judge, Dharashiv (Osmanabad)
Date of order/Judgment	19.06.2025
Date of order/judgment signed by presiding officer.	19.06.2025
Judgment/Order uploaded on	19.06.2025