

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5610 OF 2015

ASHOK S/O BHIMRAO KUTARWADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Santosh S. Jadhavar.

APP for Respondent : Mr. B. A. Shinde.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 09th December, 2015.

ORAL ORDER:

. Here is an application for regular bail in Crime No.I-121 of 2015 registered at Kotwali Police Station, District Ahmednagar for the offences punishable under Sections 302, 394 and 201 read with 34 of the Indian Penal Code.

2 Heard Mr. S. S. Jadhavar, learned counsel for Applicant and Mr. B. A. Shinde, learned APP for Respondent / State. Perused papers of investigation.

3 It appears from FIR that main allegations against Applicant is that on 8th May, 2015 Applicant and his companions entered the car

driven by deceased Dhananjay and when they were proceeding in car Applicant and his companions assaulted Dhananjay by means of stone on his head, committed his murder and ran away with cash of Rs.2,100/-, two mobile handsets and gold rings.

4 Learned counsel for Applicant submitted that except statements of Accused and co-Accused there is no material to implicate the Applicant in commission of crime and so Applicant be released on bail.

5 Learned APP strongly resisted the application and submitted that Applicant has confessed commission of murder which is substantiated by co-Accused in his statement. Learned APP further submits that there is recovery of keys of car, gold rings and ATM card at the instance of Applicant. Considering the circumstantial evidence available against Applicant learned APP prays to reject the application.

6 There is no direct evidence in the matter. Case is based on circumstantial evidence. The only circumstance against Applicant is recovery of keys of car, gold rings and ATM card at the instance of Applicant. On the basis of solitary circumstance it would not be appropriate to decline release of Applicant on bail. Hence the

following order –

ORDER

- I. Criminal Application No.5610 of 2015 is allowed.
- II. Applicant Ashok s/o Bhimrao Kutarwade is released on bail in Crime No.I-121 of 2015 registered at Kotwali Police Station, District Ahmednagar for the offences punishable under Sections 302, 394 and 201 read with 34 of the Indian Penal Code, on his furnishing P.R and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand Only) each.
- III. He shall not tamper with the prosecution evidence and shall make himself available as and when required.

[INDIRA K. JAIN, J.]

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