

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

BAIL APPLICATION NO.1451 OF 2020

Datta s/o Gangadhar Musle

Applicant

Versus

The State of Maharashtra

Respondent

Mr. J.M.Murkute, advocate for the applicant.
Mr.N.T.Bhagat, APP for the Respondent.

CORAM : V.K.JADHAV, J.

DATE : 22nd December, 2020.

PC :

1 The applicant – Datta s/o Gangadhar Musle is seeking bail in connection with Crime No.365 of 2020, registered with Police Station Gangakhed, District Parbhani, for the offences punishable under Sections 302, 307, 354(A), 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, read with Section 135 of the Maharashtra Police Act and under Section 4/25 of the Arms Act.

2 Heard both the sides.

3 The learned Counsel for the applicant submits that the name of the applicant is not mentioned in the First Information Report nor any specific role is ascribed to him. The learned Counsel submits that even during the course of investigation, nothing has been revealed against him. It has only come in the evidence of some of the

witnesses that prior to the incident, the applicant allegedly consumed liquor in the company of main assailant co-accused Dipak. Even after consuming liquor, the applicant did not join co-accused Dipak and co-accused Dipak alone went to the house of the informant. The learned Counsel submits that the applicant is in jail, in connection with present crime, since 03rd November, 2020. There is no criminal history. The applicant is having a fixed place of residence. The applicant is available for trial. The applicant may be released on bail.

4 I have heard the learned A.P.P., who has strongly resisted the application and submitted that the applicant may not be released on bail.

5 On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that name of the applicant is not mentioned in the First Information Report. Moreover, there is nothing in the investigation papers to connect the applicant with the alleged commission of crime. There is no criminal history. The applicant is available for trial. Thus, by imposing certain conditions, he can be released on bail. .

6 Hence, the following order:

(i) The application is hereby allowed.

(ii) The applicant - Datta s/o Gangadhar Musle, in connection with Crime No.365 of 2020, registered with Police Station Gangakhed, District Parbhani, for the offences punishable under Sections 302, 307, 354(A), 324, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, read with Section 135 of the Maharashtra Police Act and under Section 4/25 of the Arms Act, be released on bail on his furnishing Personal Bond of Rs.20,000/- (Rs. Twenty Thousand) with one solvent surety of the like amount, on the following condition:

(a) The applicant shall not tamper with the prosecution evidence, in any manner.

7 The application is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb