

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

927 BAIL APPLICATION NO.396 OF 2021

**RAJENDRA GOVIND GAWALI
VERSUS
THE STATE OF MAHARASHTRA**

Shri. Vivek Bhavthankar, Advocate for the applicant
Shri. S. P. Sonpawale, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 7th September, 2021

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure.

2. It is the prosecution case that the dead body of one Shankaranna was found unattended without clothes. There were injuries on his person. The matter was reported to the police station. Since the dead body was unidentified and the name of the offender was not known, the offence was registered against an unknown person under Section 302 of the Indian Penal Code.

3. On conducting investigation CCTV footage was

collected in which it was found that the applicant along with two other accomplices was seen at the scene of offence around the time of the offence. The applicant and the other two accomplices were apprehended. On interrogation it was revealed that the applicant and his two accomplices by the name of Sunil Mahadev Kamble and Sunil Shivajji Jadhav committed murder of the deceased for cash of Rs. 1500/-. Accordingly, memorandum was recorded. The applicant in the memorandum showed his willingness to produce the pant of the deceased and cash. Accordingly pant of the deceased was recovered from below a tree of Babhal in which a currency note of Rs. 500/-, one currency note of Rs. 100/- and three currency note of Rs. 10/- were found.

4. Heard Shri. Bhavthankar, learned counsel for the applicant and Shri. Sonpawale, learned APP for the respondent/State.

5. Shri. Bhavthankar, learned counsel submitted that the only evidence against the applicant is that of CCTV footage and the alleged memorandum and the recovery. He

submitted that there is no evidence to show that the pant which was allegedly recovered at the behest of the applicant was of the deceased. He further submitted that the pant does not have blood stains also.

6. Learned APP submitted that the offence was committed on trivial ground of cash of Rs. 1500/-. He submitted that applicant does not deserve to be released on bail.

7. CA report is received. It does not show that blood stains were detected on the Tee-shirt of the deceased. The applicant has no criminal antecedents. He is not likely to flee from justice. In this view of the matter, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 303 of 2020 under Section 302, 201 read with Section

34 of the Indian Penal Code registered with Shirdi Police Station, Dist. Ahmednagar.

3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp