

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 443 OF 2021

Yogesh Chandrakant Lokhande

Applicant

Versus

The State of Maharashtra

Respondent

Mr. B.S. Chondhekar, Advocate for the applicant.

Mr. P.G. Borade, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 27th October, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail.

2. It is the case of the prosecution that deceased Mehboob was the son of the informant. The wife of the informant (mother of the deceased) got a message on her cell phone that the deceased was beaten and he was lying in injured condition in front of Dayanand College. When the informant and his wife went to the spot, they found the deceased lying in injured condition and was taking name of Riyaz. The deceased had injuries on his waist and left thigh. He was

shifted to Government Hospital, Latur. During treatment he died on 25th September, 2020. Accordingly, First Information Report came to be lodged against unknown person.

3. Heard Shri Chondhekar, learned counsel for the applicant and Shri Borade, learned APP for the State.

4. Learned counsel Shri Chondhekar submits that except memorandum statement of the applicant, there is no evidence to connect the applicant with the offence.

5. Learned APP Shri Borade submits that witness Narayan Khatke and Krishna Sarange had seen the applicant in the vicinity of the spot of the incident. He further submits that witness Dnyaneshwar and Ramkishan Dhawne are the eye-witnesses to the incident. Therefore, involvement of the applicant is clearly made out.

6. Charge-sheet is filed. On perusal of the charge-sheet, it is seen that witnesses had seen two persons attacking the deceased. They had masked their faces. Witness Narayan and Krishna have simply stated that the applicant was seen in the vicinity of the spot of

the incident in CCTV footage. Knife is recovered at the instance of the applicant. It has blood stains. From this evidence, it cannot be said that there is any evidence to connect the applicant with the offence. One case is pending against the applicant under Section 325 of the Indian Penal Code. However, the evidence in this case is too scanty to connect the applicant with the offence. In this view of the matter, case for bail is made out. Hence the following order :-'

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.50,000/- (Rs. Fifty Thousand) with one solvent surety in the like amount, in connection with Crime No. 0391/2020 registered with MIDC Police Station, Dist. Latur, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.
- iii) Application is disposed of.
- iv) 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)
Judge

dyb