

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

933 BAIL APPLICATION NO.750 OF 2021

Vishal Ramesh Pawar
Age: 19 years, Occ.: Labourer,
R/o. Vadner, Tq.Kannad,
Dist.Aurangabad.

..Applicant/
Orig. Accused No.2

VERSUS

The State of Maharashtra
Through the Police Inspector,
Kannad Rural Police Station,
District Aurangabad.

..Respondent

...
Advocate for Applicant : Shri Akshay S. Radikar
APP for Respondent : Shri S.W.Munde
...

CORAM : M.G.SEWLIKAR, J.

DATE: 29th October, 2021

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No.0179 of 2020, registered with Kannad Rural Police Station, Dist.Aurangabad, under Sections 302, 307, 201, 120B read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that Ashabai Sheshrao Gangurde was the wife of the informant. She was found dead in the field of Swapnil Rathod. The dead body was noticed by

Hirabai Walmik Borade and Parvatabai Onkar Pawar.

3. Report was lodged against unknown persons.
4. After investigation was taken up, role of the applicant was revealed. Accordingly, applicant was arrested. Charge-sheet has been filed. This is the first application after filing of the charge-sheet.
5. Heard Shri A.S.Radikar, learned counsel for the applicant and Shri S.W.Munde, learned APP for the respondent-State.
6. Shri Radikar, learned counsel for the applicant submits that there is no evidence against the applicant except memorandum statement of applicant vide which sickle has been recovered at the instance of the applicant. He submits that there is recovery of clothes having blood stains.
7. Shri Munde, learned APP for the respondent-State submits that there is cogent evidence against the applicant.
8. On perusal of the charge-sheet, it is seen that report was lodged against unknown persons. Admittedly, death is homicidal. There is no eye-witness to the incident. The only evidence against the applicant is the recovery of blood stained

sickle and blood stained clothes. CA report is yet not received. Applicant has no criminal antecedents. He has permanent place of residence. Having regard to this, applicant will be available for trial. Having regard to this, I am inclined to release the applicant on bail. Hence, the order.

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.0179 of 2020, registered with Kannad Rural Police Station, Dist.Aurangabad, under Sections 302, 307, 201, 120B read with Section 34 of the Indian Penal Code and on condition that he shall not influence and pressurize witnesses.
- iii) Bail 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**