

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

921 BAIL APPLICATION NO.1026 OF 2021

Ananda Balaji Shinde

Age: 37 years, Occu.: Agril,

R/o. Jomegaon, Tq.Loha,

Dist.Nanded.

..Applicant

VERSUS

The State of Maharashtra

Through Osmannagar Police Station,

Tq.Loha, Dist.Nanded.

..Respondent

Advocate for Applicant : Shri Anil M. Gaikwad

APP for Respondent : Shri A.A.Jagatkar

CORAM : M.G.SEWLIKAR, J.

DATE: 23rd September, 2021

PER COURT:-

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

2. Prosecution's case in nutshell is that the deceased was working as an agricultural labour with the family of the applicant. On account of some dispute, the deceased had stopped going to work. It is alleged that the applicant, his father and brothers were insisting on deceased to work in accordance with the terms of the contract. However, the deceased was not in a mood to

continue the work. It is alleged that the deceased was abducted by Pravin and Santosh. When the deceased was in the custody of Santosh, Balaji, applicant and Pravin, he died. Post Mortem report shows that the deceased had multiple injuries and the cause of death was the injury to chest and spine.

3. First Information Report was lodged by the son of the deceased on the basis of which Crime No.0137 of 2020 came to be registered with Osmannagar Police Station, District Nanded under Sections 302, 364, 143, 120(B), 374, 149, 324, 323, 504, 506 of the Indian Penal Code.

4. Heard Shri A.M.Gaikwad, learned counsel for the applicant and Shri A.A.Jagatkar, learned APP for the respondent-State.

5. Shri Gaikwad, learned counsel for the applicant submits that wife and mother of the deceased had seen Pravin and Santosh abducting the deceased on a motorcycle. Witness Pandurang has stated that he had seen the deceased in the company of the applicant and others and he was lying on the ground and was moaning. On enquiry, he was told that the deceased had jumped from roof of a room and was injured. He

submitted that except this evidence, there is no evidence to show the complicity of the applicant in the alleged evidence.

6. Shri A.A.Jagatkar, learned APP for the respondent-State opposed the application. He submits that the offences are serious and punishable with death or imprisonment for life. He submits that there is evidence to show that the deceased was abducted by Pravin and Santosh and the applicant was seen in the company of the deceased and the deceased was injured. He submits that the applicant had strong motive to commit the murder of the deceased.

7. On perusal of the charge-sheet and considering the submission of rival counsel, it is seen that there is no eye-witness to the incident. It is true that witness Pandurang had seen the applicant in the company of the deceased and the deceased was in injured condition. The motive as discerned from the evidence collected by the prosecution is that anyhow the applicant and the other accused wanted the deceased to honour the terms of the contract which the deceased was reluctant to do so. There is no evidence to show that the applicant and other accused had motive to kill the deceased. Charge-sheet is filed. Applicant was arrested on 18th February, 2021. Having regard to this, I am

inclined to release the applicant on bail. Hence, the order.

ORDER

- i) The Bail Application is allowed.
- ii) The applicant shall be released on bail on his executing personal recognizance for an amount of Rs.50,000/- (Rs.Fifty thousand only) and furnishing a solvent surety in the like amount, subject to the following conditions;
 - a) He shall not tamper the evidence or influence the witnesses.
 - b) He shall not try to contact the informant or witnesses and shall not influence them.
- iii) Bail before the trial Court.
- iv) Bail Application is disposed of.
- v) 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**