

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO. 1067 OF 2021

Roshan Natha Ingole

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. D.K. Dagadkhair, 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 in connection with Crime No. 0297/2020 registered with Purna Police Station, Dist. Parbhani, for the offence punishable under Sections 302, 188, 269, 270, 271 read with Section 34 of the Indian Penal Code, Section 51(B) of Disaster Management Act and under Sections 2, 3 and 4 of Epidemic Disease Act.

2. It is the case of the prosecution that on 24th September, 2020, at 6.30 pm, one Shatru Bhole told the informant that her brother Nitin was lying in a pool of blood in front of the house of Lambsinge. Informant went to the spot. Police came there and told

her that Vikas Chaudate had been to the police station and he confessed that he and applicant committed murder of deceased Nitin. First Information Report further recites that the incident happened as accused Vikas and applicant were demanding money for drinking liquor to which the deceased did not accede.

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

4. Learned counsel Shri Dagadkhair submits that the only evidence against the applicant is the alleged confession statement by Vikas Chaudate. He further submits that police did not record his confession statement. Only on oral statement made before police officer, the informant has filed the report.

5. Learned APP Shri Borade submits that there is statement of Sadiq Qureshi Rahimoddin Qureshi that he had seen applicant and accused Vikas beating the deceased.

6. This incident was between 6.15 pm and 6.20 pm on 24th September, 2020. At 7.00 pm, he learned that the deceased was

murdered. Except this evidence, there is no other evidence to connect the applicant with the offence. Moreover, from the statement of witness and from the First Information Report, it can be inferred that fatal blow was given by accused Vikas. In this view of the matter, since charge-sheet is filed, I am inclined to release the applicant on bail. Applicant has no criminal antecedents. This is his first offence. It is not the case of the prosecution that applicant will not be available for trial. He has fixed place of residence. Hence the following order is passed :-

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. 0297/2020 registered with Purna Police Station, Dist. Parbhani, for the offence punishable under Sections 302, 188, 269, 270, 271 read with Section 34 of the Indian Penal Code, Section 51(B) of Disaster Management Act and under Sections 2, 3 and 4 of Epidemic Disease Act.
- 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