

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

**BAIL APPLICATION NO. 794 OF 2022**

Manoj Balasaheb Rahane

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....  
Mr. K.N. Shermale, Advocate for applicant  
Mr. N.T. Bhagat, A.P.P. for respondent - State  
....

**CORAM : R.G. AVACHAT, J.  
DATE : 05<sup>th</sup> AUGUST, 2022**

**PER COURT :**

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 732 of 2021 registered with Sangamner City Police Station, Dist. Ahmednagar for the offences punishable under Sections 302, 201 and 212 read with Section 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by Police Sub-Inspector of Sangamner City Police Station on 30<sup>th</sup> December, 2021. He had received an information on 12<sup>th</sup> November, 2021 that a dead body of an unknown person was lying at

Ghulewadi. He, therefore, went to the site. The dead body was subjected to the postmortem examination. It has been reported that the deceased died of head injury. The postmortem report indicates that there were sixteen injuries on the person of the deceased. Since, initially identity of the deceased was not disclosed and nobody came forward to claim the dead body, his funeral took place at the instance of the police officials.

4. The applicant is said to be the friend of the deceased. The deceased was alcoholic. It is the case of the prosecution that on the given day, both, the applicant and the deceased were together. They consumed alcohol. According to learned A.P.P., Call Data Record ('C.D.R.') would reinforce that both of them were together on the fateful day. A moped (Honda Activa) came to be recovered from the applicant, but the same belongs to his foster sister. Learned A.P.P. would urge for rejection of the application on the ground of offence being serious one.

5. Considered the submissions advanced. The case is based on circumstantial evidence. There is nothing to indicate the applicant and the deceased to have been together on the given day. Only the C.D.R. is sought to be relied upon to indicate both were in contact with each other. There is no other material. Suffice it to say that it is a case for grant of bail.

6. In view of above, the application deserves to be allowed. Hence I pass the following order :-

**ORDER**

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 732 of 2021 registered with Sangamner City Police Station, Dist. Ahmednagar for the offences punishable under Sections 302, 201 and 212 read with Section 34 of the Indian Penal Code, on executing PR. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

( R.G. AVACHAT, J. )

SSD