

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

BAIL APPLICATION NO. 887 OF 2022

Pawan Ashok Mali	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Satej S. Jadhav, Advocate for applicant
Mr. S. P. Sonpawale, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 11th AUGUST, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0077/2022, registered at Jamner Police Station, District Jalgaon, for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by mother of the deceased Shubham on 13.02.2022. The gist of the FIR is that the deceased was the only son of the informant. He was a professional driver. The deceased had left home on 26.01.2022 for Ahmedabad. He had informed to be back home on 31.01.2022. He, however, did not

return home. His cell-phone was found switched off. The applicant, cousin of the deceased (son of maternal uncle of the deceased) had monetary dealings with deceased. There, therefore, used to be quarrelled between the two. On 31.01.2022, the dead body of Shubham was found in the roadside valley on Jalgaon Bodwad road. The informant, therefore, lodged the FIR alleging the applicant to have eliminated her son.

3. On investigation of the crime, the applicant has been proceeded against by filing a charge-sheet.

4. The learned Advocate for the applicant would submit that the FIR has been lodged 12 days after the alleged incident. The case is based on circumstantial evidence. There is no iota of material to connect the applicant with the offence in question. He, therefore, urged for grant of the application.

5. The learned APP would, on the other hand, submit that an iron pipe with which the deceased was assaulted by the applicant, came to be recovered at applicant's instance. There was a dispute between the applicant and the deceased over money. He, therefore, urged for rejection of the application.

6. Considered the submissions advanced. Perused the FIR and the related papers. The case is based on circumstantial evidence. The FIR has been lodged 12 days after the incident. I do not propose to make any prima-facie observations regarding merits of the matter. Suffice it to say that on investigation, charge-sheet has been filed. It will take time for commencement and conclusion of trial. I find it to be a case for grant of bail. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0077/2022, registered at Jamner Police Station, District Jalgaon, for the offences punishable under Sections 302 and 201 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]