

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

BAIL APPLICATION NO. 1313 OF 2022

Sanjay Baburao Thorat

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. C.C. Deshpande, Advocate for applicant

Mr. A.V. Deshmukh, A.P.P. for respondent - State

....

CORAM : R.G. AVACHAT, J.

DATE : 08th SEPTEMBER, 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. 199 of 2021 registered with Shillegaon Police Station, Dist. Aurangabad for the offences punishable under Sections 302, 201 and 120B 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 father of the deceased on 14th July, 2021. It is his case that his son – Vikas (deceased) was serving with L&T company at Aurangabad. On 09th July, 2021 he left the house for workplace,

but did not return home. During enquiry, it was found that he was not reported on duty that day. On 14th July, 2021 a dead body was found in *Arapur Shivar*. There were injuries on his person. The cause of death is stated to be strangulation.

4. The F.I.R. came to be lodged against the unknown person/s. During investigation, the applicant and his associates (co-accused) came to be arrested. It is the case of prosecution that the applicant suspected the deceased to have relation with his wife, and therefore, he has eliminated the deceased.

5. According to learned A.P.P., the applicant has strong motive to kill the deceased. The motorbike of the deceased was used in commission of crime. The C.C.T.V. footage is there to that effect. The applicant also gave a disclosure statement to have thrown the cell phone of the deceased in a well. According to learned A.P.P., the offence being serious one, the application may be rejected.

6. The case is based on circumstantial evidence. The only material against the applicant is in the nature of a disclosure statement made by him suggesting to have thrown the cell phone of the deceased in a well. The cell phone has however, not been recovered when the applicant took the police

party to the well and search therefor was made in the well. It is now informed that the cell phone came to be recovered lateron from the very well.

7. The applicant is behind the bars since 15th July, 2021. The case is based on circumstantial evidence. Without observing anything more, suffice it to say that it is a case for grant of bail.

8. 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 on bail, in connection with Crime No. 199 of 2021 registered with Shillegaon Police Station, Dist. Aurangabad for the offences punishable under Sections 302, 201 and 120B read with Section 34 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not enter village Kadim Takali, Tq. Gangapur, Dist. Aurangabad for next two years.

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

(R.G. AVACHAT, J.)