

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

BAIL APPLICATION NO. 1383 OF 2022

Rahul Eknath Dhiwar	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. R. K. Temkar, Advocate for applicant
Mr. V. S. Badakh, APP for respondent – State
Mr. Shivaji B. Kadu, Advocate for informant

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CORAM : R. G. AVACHAT, J.

DATED : 21st SEPTEMBER, 2022

PER COURT :-

1. 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.0243/2022, registered at Rahata Police Station, District Ahmednagar, for the offences punishable under Sections 302, 363, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Section 4/25 of the Arms Act.

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

3. The son of the informant was murdered in a room belonging to one Sanjay Nikale. As per the case of the prosecution, the applicant has not participated in mounting assault on the deceased.

4. According to the learned Advocate for the intervenor, the deceased would have been saved, but for the applicant, who took the deceased to Nikale's room under the pretext of taking him to a movie. There is some substance in the submissions made by the learned Advocate for the intervenor. There is however nothing to indicate that the applicant was with the assailants and he did take the deceased there only with a view to see that the co-accused would eliminate him there. Considering the allegations against the applicant and the fact that, on investigation, the charge-sheet has been filed, the Court is inclined to grant the applicant, bail. Hence following order:

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.0243/2022, registered at Rahata Police Station, District Ahmednagar, for the offences

punishable under Sections 302, 363, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Section 4/25 of the Arms Act, on his executing P. R. bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with surety bond of the like amount.

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

[R. G. AVACHAT, J.]

SMS