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

**BAIL APPLICATION NO.1549 OF 2022**

**RAHUL GAJANAN KADAM  
VERSUS  
THE STATE OF MAHARASHTRA**

Mr. Vijay B. Patil, Advocate for applicant;  
Ms. V.S. Choudhari, A.P.P. for respondent

**CORAM : S. G. MEHARE, J.**

**DATE : 20<sup>th</sup> October, 2022**

**PC.**

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The brother of the deceased lodged the report. He posed himself to be the eye-witness to the incident. In the first information report, he did not state that the applicant assaulted the deceased with deadly weapon. However, he barely shown his presence. The prosecution, thereafter, recorded statements of some witnesses and they are alleging against the applicant that he assaulted the deceased. The first information report is very clear. The first informant may be the first eye witness to the incident. The role attributed to the applicant in the first information report is silent. Subsequently, the evidence has been collected against the applicant. In that view of the matter, the applicant deserves bail. Hence, the following order :-

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- i) The application is allowed.
- ii) Applicant Rahul Gajanan Kadam, be released on bail, on furnishing PB and SB of Rs.25,000/-, with one solvent surety of like amount, in C.R. No.115 of 2021, registered with Varangaon Police Station, Taluka Bhusawal, District Jalgaon, (Sessions Case No.101 of 2021), for the offence punishable under Sections 302, 323, 504 read with Section 34 of the Indian Penal Code and Section 4/25 of the Arms Act, on the condition not to tamper with the prosecution witnesses.

**(S. G. MEHARE, J.)**

amj