

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

BAIL APPLICATION NO.1762 OF 2022

**GANGADHAR ONKAR PARKHE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. B.A. Husale
APP for Respondent/State : Mr. K.S. Patil

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CORAM : S.G. MEHARE, J.

DATED : 15th NOVEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant has been arraigned as an accused for the offence of murder. The FIR reveals that a dead body was found floating in a well. The Police Head Constable lodged the report. The post-mortem report reveals that the death of the deceased was due to drowning and some particles of boiled egg were found in the food bag of the deceased. The police have investigated the crime, collected relevant evidence and arrested the applicant and deceased co-accused Vilas as accused. The applicant has been arrested and is behind the bar.

3. Learned counsel for the applicant would submit that the present applicant was cultivating the land of deceased co-accused Vilas. He has no concern with the alleged incident. The FIR is delayed. After a long period, the police created the false evidence of one waiter of hotel, who has falsely stated that the deceased was lastly found in the company of the co-accused Vilas and the present applicant. A delayed test identification parade was held; hence, it cannot be believed. There are no antecedents to the discredit of the applicant. Hence, he may be released on bail.

4. Learned APP has vehemently opposed the application. He would point out that a strong circumstantial evidence of last seen together in the company of the deceased supported with test identification parade is available against the applicant. Soon before the incident, the deceased was found in the company of the present applicant in one hotel. The waiter has identified him. The post-mortem report also corroborate the fact of eating the boiled eggs by the deceased. Since there is strong circumstantial evidence against the applicant, he may not be released on bail.

5. The facts have been discussed above. The prosecution has a strong circumstantial evidence against the applicant that soon before the incident, the deceased was in the company of the present applicant and deceased co-accused Vilas. The statement of the waiter is relevant. His statement is supported with the test identification

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parade. The delay may be explained. The offence is serious. Hence, the applicant has no good case for bail. Therefore, the application stands dismissed.

(S.G. MEHARE, J.)

Mujaheed//