

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

BAIL APPLICATION NO.1773 OF 2022

**ARUN SHANTARAM VASAVE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Jain Gajendra Devichand
APP for Respondent/State : Ms. V.S. Choudhari

...

CORAM : S.G. MEHARE, J.

DATED : 16th 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. Learned counsel for the applicant would submit that the FIR reveals that the main accused Rahimoddin Pinjari had threatened the deceased 15 days before the incident that he will see him. The son of the deceased had eloped the daughter of concubine of accused no.1 Rahimoddin. The applicant has been arrested only on suspicion. There is no circumstantial evidence against him. The accused Rahimoddin has already been released on bail. Compared to the role attributed against him, the role of the applicant is on lesser footing. He would also argue that there are no antecedents to the

discredit of the applicant. The investigation is over. Hence, he may be released on bail.

3. Learned APP would submit that the offence is apparently serious. The offence has been committed covering the faces with scarf at late wee hours. Just before the incident, the applicant drove the motorbike along with other co-accused and they have committed the crime. Hence, the application deserves to be dismissed.

4. The person has been set on fire by unknown persons who had covered their faces with scarf as argued by the learned counsel for the applicant and learned APP for the State. Except for the statement of one witness that the present applicant along with other co-accused went towards particular direction, there is no other material evidence against the applicant. The prosecution has no other circumstantial and trace evidence. Considering the allegations levelled against the applicant and the role allegedly attributed to the applicant, he may be granted bail. That apart, the investigation has been completed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Arun Shantaram Vasave, be released on bail on executing P.B. and S.B. of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount in connection with Crime No.136/2022, registered at Akkalkuva Police Station, District Nandurbar for the

(3)

offence punishable under Sections 302, 307, 120-B, 506 read with Section 34 of the Indian Penal Code and under Section 37(1)(3) and 135 of the Maharashtra Police Act, on the conditon that he shall not tamper with the prosecution evidence.

(S.G. MEHARE, J.)

Mujaheed//