

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

BAIL APPLICATION NO.1794 OF 2022

**GANESH NARAYAN GADEKAR
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Lavte Amar Vinayakrao
APP for Respondent/State : Mr. V.M. Kagne

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CORAM : S.G. MEHARE, J.

DATED : 21st 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 murder of his paternal uncle.
3. Learned counsel for the applicant would submit that the prosecution has no strong evidence against the applicant except the statement of wife of the deceased and the telephonic communication with co-accused Sopan. The telephonic communication was neither before or after the day of the incident. The co-accused Sopan and the applicant are brothers, so they were in regular touch on phone. Only on that material, the prosecution has arraigned the applicant as an accused in the crime.

4. Learned APP would submit that the offence is serious. The evidence collected by the prosecution against the applicant is sufficient to complete the chain of circumstances.

5. Perused the charge sheet. Except the statement of wife of the deceased and so called telephonic communication with the co-accused Sopan, the prosecution has no other evidence. Considering the facts of the case in entirety and the material collected against the applicant, the Court is of the view that the applicant has a *prima facie* case for bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Ganesh Narayan Gadekar, be released on bail on executing PB. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one surety in the like amount in connection with Crime No.108/2022, registered at Majalgaon Rural Police Station, District Beed for the offences punishable under Sections 302, 201, 120-B of the Indian Penal Code, on the condition that the applicant shall not tamper with the prosecution evidence.
- (iii) Bail before the learned Sessions Court.

(S.G. MEHARE, J.)