

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1888 OF 2022

YUVRAJ RAJESH MOLVANDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Yogesh G. Somani
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 16-12-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the respondent/State.

2. The applicant is a student of agricultural college. He came to his parents at the time of the incident in summer vacation. The investigation does not reveal that the applicant was present when co-accused assaulted the deceased. However, it has been alleged against the applicant that he helped accused No.1 to disappear the evidence. He carried dead body in a gunny bag. He brought kerosene to burn the dead body.

3. Learned counsel for the applicant would argue that the prosecution has no evidence except recovery of the so-called kerosene Can. Nobody saw the applicant driving the alleged

scooty bike. He did not assist the main accused to disappear the evidence and burn the dead body. The photograph of the recovery of the Can reveals that it was in the hands of the applicant. Therefore, it can not be said to be the recovery under Section 27 of the Evidence Act. The applicant has no antecedents to his discredit. Only because he is brother of the main accused, he has arraigned as an accused. The sole witness noticing two persons driving bike also did not specifically state the name of the applicant. His statement was recorded belatedly. The charge-sheet has been filed. The applicant is ready to stay away from Aurangabad. He may be granted bail.

4. Learned A.P.P. for the respondent/State has opposed the application. It has been argued that the offence is serious and punishable with capital punishment. Recovery of kerosene Can is relevant to believe the role played by the applicant in the crime. Hence, the applicant may not be granted bail.

5. Perusal of the chargesheet reveals that the applicant was not present when the co-accused allegedly assaulted the deceased. There is no material evidence to satisfy the Court that the applicant had played an active role in disappearing the evidence. The eyewitness, the son of the deceased, did not state about the role allegedly played by the applicant. There are no antecedents to his discredit. He is a college going boy. The circumstances

favour the applicant to get the bail. Hence, the following order :-

- i) Application is allowed.
- ii) Applicant Yuvraj s/o. Rajesh Molvande, be released on bail, on furnishing PB and SB of Rs.50,000/- with one or two solvent sureties of the like amount, in C.R.No.0107 of 2022 (Sessions Case No.425 of 2022) registered with Begumpura Police Station, Aurangabad, for the offence punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not stay at Aurangabad till conclusion of the trial.

**(S. G. MEHARE)
JUDGE**

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