

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1899 OF 2022

JITENDRA SUBHASH PAWRA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. G. D. Jain
APP for Respondent : Mr. A. A. Jagatkar
...

CORAM : S. G. MEHARE, J.

DATE : 06-12-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The learned counsel for the applicant would submit that the applicants have been falsely implicated in the crime. The deceased was never in their company. The so-called eyewitnesses i.e. brother and his friend did not whisper the incident for about four to five days from the date of the incident. They are planted witness. Nothing incriminating has been recovered from the applicants. Due to enmity, the applicants have been involved in the crime. There was no evidence against the applicants except taking the deceased with them for fishing. The applicants are law abiding persons. They are behind the bar from 19.12.2021. Since no real culprits were detected, the police arrested them and arraigned as accused.

3. The learned A.P.P. would submit that there are two eyewitnesses to the incident. The wife of the deceased saw the deceased in the company of the applicants. The stones and two wooden logs smeared with blood, have been seized from the spot of the incident. There is direct evidence against the applicants.

4. Perused the charge sheet.

5. It has been alleged that the applicants took the deceased for fishing in the evening of 17.12.2021. The first information report was registered on 18.12.2021. However, the eyewitnesses did not disclose the incident till 22.12.2021. One of the witnesses was brother, who witnessed the incident. There appears substance in the arguments advanced by the learned counsel for the applicant that they may be planted witnesses as their statements are belated and conduct is unnatural. Nothing has been recovered at the instance of the applicants. The explanation that due to threats two eyewitnesses did not disclose the incident forthwith is a matter of evidence on merit. In view of the facts of the case and the material collected against the applicant, the application deserves to be allowed. Hence, the following order :-

- i) The application is allowed.
- ii) Applicant Nos. (1) Jitendra Subhash Pawra and (2) Bhokya Dudkya Pawra, be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of the like

amount each, in C.R.No.431 of 2021 registered with Police Station Dhadgaon, District Nandurbar, for the offence punishable under Sections 302, 504, 506 read with Section 34 of the Indian Penal Code, on the conditions that;

- (a) They shall not tamper with the prosecution witnesses.
- (b) They shall attend the trial on each material hearing and cooperate with the prosecution in conducting the trial.

(S. G. MEHARE)
JUDGE

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