

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

940 BAIL APPLICATION NO.1561 OF 2021

**JITENDRA RAVI AARSUD
VERSUS
THE STATE OF MAHARASHTRA**

Shri. Sohel E. Siddiqui, Advocate for the applicant
Shri. V. S. Badakh, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 5th January, 2022**

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for enlarging the applicant on bail in connection with Crime No. 0172 of 2021 registered with Chandanzira Police Station, Dist. Jalna for the offences punishable under Sections 302, 404, 406 read with Section 34 of the Indian Penal Code.

2. Prosecution case in brief is that the informant is the son of the deceased. He got the message that the motorcycle of the deceased was parked near RTO office at Jalna. When he went there he found the deceased lying in prone position. He had head injury. He lodged the FIR on the

basis of which offence under Sections 302, 404, 406 read with Section 34 of the Indian Penal Code came to be registered against unknown persons.

3. Heard Shri. Siddiqui, learned counsel for the applicant and Shri. Badakh, learned APP for the respondent/ State.

4. On perusal of the charge-sheet it is seen that two witnesses have stated that they had seen two persons beating a man and they were dragging that person and dropped him behind a closed room.

5. Identification parade was held. In the identification parade applicant was not identified by these two witnesses. Learned APP argued that there is other evidence to connect the accused with the offence. However, no clinching evidence is brought on record to show any connection of the accused with the offence. In this view of the matter, I am inclined to release the applicant on bail.

Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 0172 of 2021 under Sections 302, 404, 406 read with Section 34 of the Indian Penal Code registered with Chandanzira Police Station, Dist. Jalna.
3. Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp