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

BAIL APPLICATION NO.11 OF 2023

SIDDHARTH ASHOK KHARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rathi Swapnil S.
APP for Respondent/State : Mr. S.B. Narwade
...

CORAM : S.G. MEHARE, J.

DATED : JANUARY 19, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. Initially, the first informant in FIR stated that he saw the applicant assaulting the deceased. However, in a statement under Section 164 of Criminal Procedure Code, he did not state that he witnessed the incident. The history of assault recorded on medical paper reveals that there was penetrating injury to the abdomen by rod and history of fall. As against this, the post-mortem report is contrary observing that the deceased died due to the stab injury.
3. It is not in dispute that the applicant and deceased were acquainted to each other. Except the circumstantial evidence, there is no material against the applicant. The recovery of weapon and blood stained clothes is the only evidence against the applicant at this

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juncture. Its evidenciary value would be tested during the trial. Considering the inconsistent statements of ocular witnesses and the history of assault recorded in the hospital, the applicant deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Siddharth Ashok Khare, be released on bail on executing PB. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.150 of 2022, registered at Purna Police Station, Taluka Purna, District Parbhani for the offence punishable under Section 302 and 504 of the Indian Penal Code, on the condition that he shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)

Mujaheed//