

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

**BAIL APPLICATION NO.13 OF 2023
WITH APPLN/682/2023 IN BA/13/2023**

**SAYED HUSSAIN S/O. SAYED KARIM
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Senior Adv. Mr. Rajendra Deshmukh
a/w Adv. Priya S. Gondhalekar, i/b Mr. Devang R. Deshmukh

APP for Respondent: Mr. S. P. Deshmukh

Advocate for the complainant : Mr. R. J. Nirmal

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CORAM : S. G. MEHARE, J.

DATE : 09.03.2023

PER COURT :

1. Heard the learned counsel for the applicant, the learned A.P.P. for respondent/State and the learned counsel for the complainant.
2. The so-called eyewitnesses stated that the applicant was present on the spot of the incident and he was one of the assailants. However, C.C.T.V footage did not capture the applicant, to corroborate the verbal statements of the witnesses C.C.T.V footage is one of the best piece of evidence to ascertain the role attributed to each of the accused. The prosecution is relying on such type of evidence to prove the guilt. The man may lie, but the machine never, unless the man does something

with the machine.

3. As discussed above, the statements of the witnesses do not corroborate the C.C.T.V. footage is a strong circumstance in favour of the applicant to grant bail. Hence, the order :-

ORDER

(i) The application is allowed.

(ii) Applicant Sayed Hussain S/o Sayed Karim be released on bail, on furnishing P. B. and S.B. of Rs. 50,000/- (Rupees Fifty Thousand only), with one solvent surety of the like amount, in Crime No. 221 of 2022, registered at Kotwali Police Station District Parbhani, for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, on the conditions that,

- (a) He shall not tamper with the prosecution witnesses.
- (b) He shall attend the trial on each and every material date.
- (iii) Criminal Application No. 682 of 2023 stands disposed of.

(S. G. MEHARE)
JUDGE