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

**BAIL APPLICATION NO.1956 OF 2022
WITH APPLN/8/2023 IN BA/1956/2022**

**MUNNA @ SALIM SAMADKHAN PATHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Rahul R. Karpe, Advocate for applicants;
Mr. S. P. Deshmukh, A.P.P. for respondent/State;
Mr. R. H. Mewara, Advocate for complainant

CORAM : S. G. MEHARE, J.

DATE : 7th JANUARY, 2023

PC.

1. Heard the learned counsel for the applicants, learned A.P.P. for the respondent/State and learned counsel for the complainant.

2. It is really surprising that the persons who were helping the deceased after receiving injury, have been arraigned as accused. The prosecution itself has a case that the present applicants dropped the deceased with a motorbike to his house and responded to the wife of the deceased on his phone, which they found on the spot of the incident. Obviously, since they dropped the deceased at home, they must have last seen in the company of the deceased. This was a case to be investigated otherwise, but it appears that the investigation has been done casually and the persons without any concrete

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evidence have been sent behind bar. The applicants, when dropped the deceased, told his wife that he was under the influence of Ganja. He was found lying on the road, therefore, they dropped him. The possibility of pretending accident to hide the crime cannot be ruled out, but in such a case, the police has to take utmost care. No one's liberty can be curtailed in a casual manner. They did humanity, but have been sent behind bar. Therefore, they deserve bail. Hence, the following order;

- i) The application is allowed.
- ii) Applicant Nos. (1) Munna @ Salim Samadkhan Pathan and (2) Akshay Bibhishan Chinchkar, be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of like amount in C.R.No.0818 of 2022, registered with Shrigonda Police Station, District Ahmednagar, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.
- iii) Criminal Application No.8 of 2023 stands disposed of.

(S. G. MEHARE, J.)

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