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

BAIL APPLICATION NO.68 OF 2023

AAKASH PRAKASH PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent/State : Mr. K.S. Patil
...

CORAM : S.G. MEHARE, J.

DATED : JANUARY 31, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. One of the witness to the incident had named the person namely Aakash Patil as one of the assailant. The police made investigation and filed a report under Section 299 against one Aakash Khandu Patil. Subsequently, it was revealed from the supplementary statement of the same witness that he was not Aakash Khandu Patil but Aakash Patil, the applicant.
3. Learned counsel for the applicant would submit that Aakash Khandu Patil is alive. He has some antecedents to his discredit. The applicant has been falsely implicated in the crime. Nothing has been recovered from him. He has no antecedents to his discredit. Under the misconception of fact, he has been arraigned as

an accused in the crime. The other co-accused having similar role have been released on bail by the Sessions Court. However, the parity has been denied on the ground that those applicants were released before the charge sheet.

4. The State opposed the application. It has been argued that it was a communal war between two groups. The witness know the applicant well. Only mistake was about the name of the father. The offence is serious. Therefore, he may not be granted bail.

5. Perused the charge sheet. It is not in dispute that there was a mess about the names of the father of two persons having similar names and surnames. A supplementary statement of the same witness was recorded after about eight months and the mistake has been corrected. That apart, nothing has been recovered from the applicant. Whether the applicant was present on the spot of the incident, is a matter of evidence. The similarly situated co-accused have been released on bail. For these reasons, the applicant deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Aakash Prakash Patil, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.49 of 2021, registered with Dondaicha Police Station, District Dhule for

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the offence punishable under Section 302, 143, 147, 148, 149 of the Indian Penal Code, on the condition that he shall not tamper with the prosecution evidence.

(S.G. MEHARE, J.)

Mujaheed//