

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

BAIL APPLICATION NO.100 OF 2023

RAVINDRA JALINDAR MAGAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Nitin Bhavar Patil for Llp Advocate And
Legal Consultancy
APP for Respondent: Mr. K. S. Patil

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CORAM : S. G. MEHARE, J.

DATE : 02.02.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent-State.
2. The applicant was not named in the first information report. In the first information report, only four assailants were allegedly present. Out of them, the complainant/father of the deceased was knowing only two accused. Thereafter, his supplementary statement was recorded and he took the name of the third accused. Thereafter, the police have arraigned twelve accused in the crime. The investigating officer did not conduct the test identification parade of the applicant. It was possible for the investigating officer to get the test identification parade done, but for the reason best known to him did not conduct the

test identification parade. Nothing has been recovered from the applicant. In the test identification parade of the applicant through another witnesses i.e. a blacksmith barely stated that the applicant has purchased one axe from him. In the absence of test identification parade of the applicant through eye witnesses, it raises a doubt about the presence of the applicant on the spot of the incident. Considering the facts and circumstances of the case and no recovery of any incriminating evidence, the application deserves to be allowed. Hence, the following order :-

- (i) The application is allowed.
- (ii) The applicant Ravindra Jalindar Magar be released on bail, on executing P.B. and S.B. of Rs. 50,000/-, with one solvent surety in the like amount, in C.R. No. I-88 of 2020 registered with Kopargaon Rural Police Station, District Ahmednagar, for the offences punishable under Sections 302, 452, 143, 147, 148 read with Section 149 of the Indian Penal Code and Sections 3, 4, 7, 25 and 27 of the Arms Acts, 1959 on the conditions that;
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on each effective date.
 - (c) He shall not to involve in the similar crime.

(S. G. MEHARE)
JUDGE