

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

BAIL APPLICATION NO.98 OF 2023

**MANOHAR KERBA WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. S. B. Bhapkar
APP for Respondent: Mr. S. P. Deshmukh

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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.PP for the respondent-State.

2. The prosecution case rests upon the circumstantial evidence on belated statement of one witness that he saw the deceased traveling in the autorickshaw of the applicant. There is no other incriminating circumstance. The applicant showed the spot of the incident. The spot of incident was already made public before the arrest of the applicant. It seems that the applicant has been arrested on mere suspicion. Nothing has been recovered from him. The charge sheet has been filed.

3. In the facts and circumstances of the case, the application deserves to be allowed.

- (i) The application is allowed.
- (ii) The applicant Manohar Kerba Waghmare 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. 189 of 2021 registered with Umri Police Station, Taluka Bhokar, District Nanded, for the offences punishable under Sections 302, and 201 of the Indian Penal Code on the condition that he shall not tamper with the prosecution witnesses.

(S. G. MEHARE)
JUDGE

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