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

BAIL APPLICATION NO.132 OF 2023

**PARAG RAVINDRA ARKHE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Narvade Patil Ravindra B.
APP for Respondent/State : Mr. S.P. Sonpawale

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CORAM : S.G. MEHARE, J.

DATED : APRIL 10, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant has case that he was the person who informed the police first about the incident. However, the police have arraigned him as an accused on assumptions and presumptions. Post incident conduct of the applicant that he took the deceased to the hospital is also one of the circumstance showing that the applicant was not involved in the crime. Though he was seen present in the CCTV footage, nowhere it has been shown that the applicant pushed the deceased. The applicant has been made a scapegoat. The charge sheet has been filed. There are no antecedents to his discredit. Hence, he may be granted bail.

3. The learned APP has opposed the application. He would argue that the CCTV footage is the best evidence against the applicant that shows that the applicant was pushing the deceased and then the co-accused threw him down from the floor of the building. He has referred to the CCTV footage which was examined and the presence of the applicant was confirmed by the Regional Forensic Science Laboratory at Nashik. The offence is serious. It was a deliberate act of the applicant. The punishment is severe. Hence, the applicant does not deserve bail.

4. The prosecution has a direct evidence against the applicant that he pushed the deceased and then the co-accused threw him down from the building. Though the applicant took the deceased to the hospital, prima facie evidence of pushing the deceased is available against the applicant. He did not deny presence on the spot of the incident. The punishment for the offence is severe. Prima facie material is available against him. Therefore, considering the seriousness of the offence as well as the evidence against the applicant, the Court is not inclined to grant him bail. Hence, the application stands dismissed.

(S.G. MEHARE, J.)