

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

913 BAIL APPLICATION NO.253 OF 2023

BADRI HANUMAN PAWAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondent-State : Mr. S. P. Sonpawale.
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CORAM : S. G. MEHARE, J.
DATE : 14.03.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant had been arraigned as an accused for an offence of double murder. The applicant was not named in the FIR but was described as a bald and healthy man. It has been alleged against him that he stabbed one Suman with knife. The prosecution also recovered the knife from him.
3. Learned counsel for the applicant would argue that he was not knowing complainant's side. Therefore, he had no role in the alleged incident. He was working with Municipal Corporation, Solapur at the relevant time. The rules as regards the identification parade in Bombay Police Manual have not

been properly followed. Therefore, the identification of the applicant would not be a basis to refuse the bail. The applicant has no antecedents to his discredit. The charge sheet has been filed. Therefore, he may be granted bail.

4. Per contra, the learned APP would argue that there were eye witnesses to the incident. Specific allegations have been levelled against the applicant that he stabbed the deceased with knife. The Post Mortem report supports the allegations levelled against him. Though he was not named in the FIR, his physical description was given. He was identified in the test identification parade. Irregularity in holding the test identification parade is a matter of merit. The witnesses have been supported on the material allegations. It is the case of double murder for a trivial reason. Hence, the bail may not be granted to the applicant.

5. Whether the test identification parade is illegal or irregular is a matter of merit. *Prima facie* evidence is available against the applicant. His role is also specifically narrated. The Post Mortem report supports the allegations made against the applicant by the eye witnesses. He has been correctly described in the FIR. The offence is serious. Considering the material against the applicant and gravity of the offence, the

applicant does not deserve bail. Hence, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-