

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

**BAIL APPLICATION NO.276 OF 2023
WITH APPLN/870/2023 IN BA/276/2023**

**UDHAV NAMDEO KHADE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Hange Rajendra G.
APP for Respondent/State : Mr. K.S. Patil
Advocate for Complainant/Assist to PP : Mr. A.D. Gade

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CORAM : S.G. MEHARE, J.

DATED : MARCH 06, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
2. The prosecution has a case that on 08.08.2022, the deceased left the home telling the first informant that he had been called by one Shankar at Village Mouj to take his money back. On the very same day at 12 noon, the first informant made a phone call to the deceased, that time he told him that he reached the Village Mouj. He again made a phone call to him at 01.30 pm, that time the deceased told him that the husband and parents of his paramour were chasing him and they are likely to kill him. However, nothing as such was disclosed in the missing report which was lodged on 11.08.2022. When such a direct information of danger to the life of the deceased

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was with the informant, he ought to have filed a report immediately to the police expressing an apprehension of the danger to the life of his brother at the hands of accused. Such a unnatural conduct of the first informant raises a serious doubt about the allegations levelled against the applicant. The dead body of the deceased was also not found in the field of the applicant. The said well was far away from his field. There are many discrepancies in the statement of the witnesses. That apart, the investigation against the applicant has been completed and charge sheet has also been filed. In the facts and circumstances as discussed above, the Court is of the view that the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Udhav Namdeo Khade, 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.108 of 2022, registered with Pimpalner Police Station, District Beed for the offence punishable under Section 302, 201 r/w 34 of the Indian Penal Code, on the condition that he shall not tamper with the prosecution witnesses.
- (iii) Criminal Application No.870 of 2023 stands disposed of.

(S.G. MEHARE, J.)