

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

BAIL APPLICATION NO.280 OF 2023

SHANKAR PIRAJI DHABADAGE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Deshmukh Himmatsinh D
APP for Respondent: Mr. K. S. Patil

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CORAM : S. G. MEHARE, J.

DATE : 08.03.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.PP for respondent/State.
2. Firstly, the first information report was registered under Section 174 of the Code of Criminal Procedure for accidental death. The dead body of the deceased was found on the road. There were tyre marks on the spot of the incident. *Prima facie* police had material to believe that it was a road traffic accident. Then first informant raised a doubt. Again the spot of the incident was inspected. Then story of involvement of the applicant and the deceased stealing the cattles and denying to pay the money to the deceased has been developed. It has been alleged that the deceased has been killed by a Scorpio vehicle owned by father of the applicant. The prosecution has also a story that near village Sailu police

intercepted one pick-up van carrying the bullocks. The persons including deceased from the said pick up van fled away. It was night. In these circumstances, the case of the applicant that it may be a road traffic accident appears probable. The spot panchnama also support the case of road accident case. *Prima facie* for the purpose of bail it is difficult to believe that there are incriminating circumstances against the applicant. For the above reasons the application deserves to be allowed. Hence, the following order :

- (i) The application is allowed.
- (ii) Applicant Shankar Piraji Dhabadage be released on bail, on furnishing P. B. and S.B. of Rs. 50,000/- (Rupees Fifty Thousand only), with one solvent surety of the like amount, in Crime No. I-120/2022, registered with Tadkalas Police Station Taluka Purna, District Parbhani, for the offences punishable under Sections 302, 201, 120(B), 324, 504, 506 read with Section 34 of the Indian penal Code on the condition that he shall not tamper with the prosecution witnesses.
- iii) Needless to mention that the findings are restricted for the purpose of bail only.

(S. G. MEHARE)
JUDGE