

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

940 BAIL APPLICATION NO.298 OF 2023

SAIRAP @ SAIRYA @ SAINATH S/O. JAINU KALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. S A Gaikwad
APP for Respondent: Mr. S P Deshmukh

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CORAM : S. G. MEHARE, J.
Dated: March 09, 2023

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PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant has a case that since there were some antecedents against him, police picked up him and arraigned as an accused. False recovery of night pant was shown; however, the blood stains allegedly found on the said night pant did not match with the blood of the deceased. The applicant has no concern with the incident. Therefore, he may be garnered bail.

3. Learned APP has strongly opposed the application. He would submit that the applicant has been involved in the

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similar crimes. He is harmful to the society. Considering his antecedents, he may not be granted bail.

4. Merely having antecedents against the accused may not be sufficient to reject the bail. Prosecution must have satisfactory evidence or material to satisfy the court that the applicant was involved in the matter. Report was lodged against unknown persons and then on suspicion, the applicant was arrested and night pant was shown to have been recovered from him. However, CA report does not support the prosecution. The circumstances are favourable to the applicant to grant bail on stringent conditions. Hence, the following order.

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Sairap @ Sairya @ Sainath s/o Jainu Kale 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.270 of 2021, registered with Vaijapur Police Station, District Aurangabad for the offence punishable under Section 302, 394, 457, 458, 459, 460

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r/w 34, 307, 120-B of the Indian Penal Code, on the following conditions :-

- i. The applicant shall attend the concerned police station on every First and Third Thursday of the Month between 5 pm to 7 pm till the conclusion of the trial.
- ii. He shall not leave the place of his residence without leave of the concerned PSO till conclusion of the trial.
- iii. He shall not involve in the similar crime.
- iv. He shall attend the trial on each effective dates.

(S. G. MEHARE, J.)

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