

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

BAIL APPLICATION NO.301 OF 2023

RAHUL BABAN GUNJKAR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Senior counsel Mr. S. B. Deshpande I/b
Chetan B . Chaudhari

APP for Respondent: Mr. S. P. Sonpawale

....

CORAM : S. G. MEHARE, J.

DATE : 06.03.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P.P for respondent/State.

2. It has been alleged against the applicant that he was driving the vehicle in which the complainant was abducted. The prosecution has a further case that the police intercepted the car in which the complainant was abducted and present applicant was also found in the car with the abducted person. However, the test identification parade reveals that the person, who was abducted, did not identify the applicant in the parade which was held after a long gap. It is material contradiction as regard the involvement of the applicant and raises a

serious doubt about the presence of the applicant on the spot of the incident. The prosecution case is that eyes of the complainant were covered with cloth, but before abducting him he had an opportunity to see each one. In this doubtful situation and absence of antecedents to his discredit, the applicant deserves bail. Hence, the order

ORDER

- (i) The application is allowed.
- (ii) Applicant Rahul Baban Gunjkar 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. 375 of 2022, registered with Karmad Police Station, District Aurangabad, for the offences punishable under Sections 364-A, 120-B, 395, 386, 342, 323, 504 and 506 of the Indian Penal Code on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not involve in the similar crime.

(S. G. MEHARE)
JUDGE