

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 BAIL APPLICATION NO.409 OF 2023

PURSHOTTAM TUKARAM SURNAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr.Jadhav Satej S.
APP for Respondent-State : Mr. S. P. Sonpawale.

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CORAM : S. G. MEHARE, J.
DATE : 24.03.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The role allegedly attributed to the applicant was that after the incident, the co-accused called him at one place and asked to bring new clothes. He brought it and gave them. The so called blood stained clothes were burnt before him and he concealed the weapon used in the crime.
3. Learned counsel for the applicant would submit that the prosecution has no evidence that he was the member of the conspiracy. The weapon allegedly concealed has also not been recovered from him. So, considering the role attributed to him, he deserves bail.

4. Learned APP would submit that one of the co-accused confessed under Section 18 of the M.C.O.C. Act that the applicant had concealed the weapon. The offence is serious. Hence, he may not be granted bail.

5. Perused the charge sheet. Considering the allegations levelled against the applicant, his role is limited to provide the fresh clothes to the co-accused and the witness to disappear the evidence by burning the blood stained clothes. As far as the recovery of the weapon, which was allegedly concealed by this applicant, it was not recovered at his instance. In the facts and circumstances of the case, there is a scope to consider the application for bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **PURSHOTTAM TUKARAM SURNAR** 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.97 of 2022, registered by Police Station Chakur, District Latur, for the offences punishable

under Sections 302, 201, 120-B, 212, 216 read with Section 34 of the IPC, Sections 3(1)(i), 3(2), 3(3), 3(4) of the Maharashtra Control of the Organized Crime Act, 1999, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) He shall not contact with the other co-accused as well as the witnesses till the conclusion of the trial.

(S. G. MEHARE, J.)

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vmk/-