

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

BAIL APPLICATION NO.439 OF 2023

KASHINATH AMBAJI GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ingole Dhanraj S. h/f Mr. Ghanekar
Nilesh S.

APP for Respondent/State : Mr. S.P. Sonpawale

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CORAM : S.G. MEHARE, J.

DATED : APRIL 03, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The allegations against the applicant is that he along with other co-accused went on the spot of the incident. One of the co-accused stabbed the deceased and then the applicant with others flee away. There are other witnesses also who are stating that few people came there. They were not knowing the applicant by name. The witness who is stating against the applicant has improved his statement under Section 164 of Cr.P.C. and added that the applicant was instigating the main accused to commit the murder.
3. Learned APP would submit that the offence is serious. The applicant, complainant and others are kinsmen. The applicant may tamper with the prosecution witnesses.

4. As discussed above, the sole eye witness has stated that the applicant was present on the spot of the incident. However, he did not state anything about the assault and instigation at the hands of the applicant. The alleged weapon used in the crime has been recovered from another co-accused. Considering the role attributed to the applicant, the Court is of the view that he deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Kashinath Ambaji Gaikwad, 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.423 of 2022, registered with Basmath City Police Station, District Hingoli for the offence punishable under Section 302, 34 of the Indian Penal Code and Section 4/25 of Indian Arms Act, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall stay away from village Basmath and the place of spot of the incident i.e. Ganeshpur, Taluka Basmath for six months from the date of his release.
- (iv) The applicant shall also not enter the spot of the incident.

(S.G. MEHARE, J.)