

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 524 OF 2023

Anil Wahariya Solanki,
Age : 22 years, Occupation : Labour,
R/o. At post Kelpani, Tq. Sendva,
District Badwani (Madhya Pradesh) ... Applicant

Versus

The State of Maharashtra ... Respondent

...
Mr. Prashant P. Giri – Advocate for applicant
Mr. S. P. Sonpawale – APP for respondent/State

....

CORAM : S. G. MEHARE, J.

DATE : 06th APRIL, 2023

PER COURT :

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

2. The report of the murder was lodged against the unknown person. The wife of the deceased was in the room where the alleged incident happened. She informed the first

informant about the incident stating that one unknown person came and killed her husband. There was no another eye-witness except her. Her statement under Section 164 of the Code of Criminal Procedure was recorded after about four months of the alleged incident. The prosecution case is that, soon after the incident, the wife of the deceased went to her native place in Madhya Pradesh. In her statement under Section 164 of Cr.PC., she made the allegations against the applicant for the first time that the applicant murdered her husband. There was inordinate delay in recording her statement, which raises doubt about the veracity of her statement. Be that as it may. No incriminating evidence has been collected or recovered from the applicant. Even the weapon used in the crime has also not been recovered from him. In the aforesaid statement, the wife of the deceased stated that a day before the incident, there was a quarrel between the deceased and the accused over stealing a bucket. Considering the entire facts, material collected by the prosecution and the inordinate delay in recording the statement of the wife of deceased, the applicant appears to have a good

case for bail. Hence, the following order.

ORDER

[i] The application is allowed.

[ii] Applicant – Anil s/o Wahariya Solanki be released on bail on his furnishing PB and SB of Rs. 50,000/- (Rupees Fifty Thousand) with one solvent surety of like amount in Crime No. 0064 of 2022 registered with Daulatabad Police Station, Dist. Aurangabad for the offence punishable under Sections 302, 201 and 452 of the Indian Penal Code, on the following conditions.

- (a) He shall submits his and his family member's Aadhaar Card and his cell phone contact number with the Police Station.
- (b) He shall attend the trial on each and every effective date.

[S. G. MEHARE]
JUDGE

sgp