

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

912 BAIL APPLICATION NO.558 OF 2023

DEEPAK RAJU BATADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Bobde Sopan G.
APP for Respondent-State : Mr. S. B. Narwade.
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CORAM : S. G. MEHARE, J.
DATE : 15.06.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in Crime No.177 of 2022, registered at Chikalthana Police Station, District Aurangabad Rural, for the offences punishable under Section 302, 120-B of the IPC.
3. Learned counsel for the applicant would argue that the applicant has been falsely implicated in the crime on the suspicion. The recovery of the blood stained clothes is concocted. There were no blood stains on the clothes. The possibility of spreading blood of the deceased on the clothes of the accused/applicant cannot be ruled out. The police did

everything in advance, as if they were knowing that the applicant was a culprit. The report was lodged against the unknown person. Love affair of the applicant with the daughter of the deceased was not known to the police. The circumstantial evidence against the applicant is not believable. He has not produced the knife as the prosecution alleged. Hence, he may be granted bail.

4. Learned APP would submit that the offence is serious. Strong circumstantial evidence like recovery of the blood stained knife at the instance of the applicant and blood stained clothes from his person. It is sufficient to believe at this juncture that the applicant was the author of the crime. In the facts and circumstances of the case, the applicant does not deserve bail.

5. The statement of the accused in police custody is immaterial. Having love affair with the daughter of the victim cannot be considered as a cause for the murder of the deceased. The necessary material is already recovered from the applicant. The Chemical Laboratory Data Report to verify its truthfulness may take its time. The investigation has been completed and the charge sheet has been filed.

6. Considering the facts and circumstances of the case and no antecedents to the discredit of the applicant, it would be inappropriate to keep the applicant behind bar. The age of the applicant is another circumstance to be considered. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **DEEPAK RAJU BATADE** 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.177 of 2022, registered at Chikalthana Police Station, District Aurangabad Rural, for the offences punishable under Section 302, 120-B of the IPC, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall not meet the daughter or any relative of the deceased till conclusion of the trial.

- (c) He shall attend the trial on each and every effective dates.

(S. G. MEHARE, J.)

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vmk/-