

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

923 BAIL APPLICATION NO.636 OF 2023

DEEPAK RANJEET BHAVAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Niraj Chudiwal h/f Mr. Jadhav
Satej S.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 27.04.2023

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.485 of 2022, registered at Jamkhed Police Station, District Ahmednagar, for the offence punishable under Section 302 read with Section 34 of the IPC.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the crime. He has not been identified by the so called eye witness. He has been arraigned as an accused only on the extra judicial confession. He would vehemently argue that extra judicial confession is a weak piece of evidence. Hence, that may not be considered at

this juncture. That apart, the extra judicial confession was recorded after 20 days of the alleged incident. There were no antecedents to the discredit of the applicant. He is a young boy of 23 years. The investigation has been completed. Nothing is to be recovered from him. Therefore, he deserves bail.

4. Learned APP would argue that circumstances are strongly against the applicant. The applicant and co-accused assaulted mercilessly the deceased. The offence is serious. Hence, he may not be granted bail.

5. Perused the papers. There appears substance in the submission of the learned counsel for the applicant that except extra judicial confession, there is no evidence against the applicant. The evidential value of the extra judicial confession is well recognized. Considering the material on record and the facts of the case, the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **DEEPAK RANJEET BHAVAR** be released on bail on furnishing PB. and S.B. of Rs.50,000/-

(Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.485 of 2022, registered at Jamkhed Police Station, District Ahmednagar, for the offence punishable under Section 302 read with Section 34 of the IPC, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
- (b) He shall attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-