

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

917 BAIL APPLICATION NO.643 OF 2023

SACHIN DEVRAM VIRATKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Bobde Sopan G., Mr. D. A. Paikrao.
APP for Respondent-State : Ms. V. N. Patil-Jadhav.
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CORAM : S. G. MEHARE, J.
DATE : 09.06.2023

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.201 of 2021, registered at Sonai Police Station, District Ahmednagar, for the offences punishable under Sections 302, 120-B read with Section 34 of the IPC.
3. The FIR reveals that the first informant received the information from third person that deceased was lying by the side of the road. The applicant was not lastly seen together with the co-accused. The sole evidence lying with the prosecution is the recovery of the knife under Section 27 of the Indian Evidence Act. Learned counsel for the applicant would

submit that no Test Identification Parade was held. The prosecution case is based upon the circumstantial evidence. Except the recovery of the knife at the instance of the applicant, prosecution has no other evidence.

4. Learned APP would submit that the co-accused has been still absconding. Hence, he may not be granted bail.

5. Abscondence of the co-accused is no ground to refuse the bail. The Court has to consider the facts of the case and the material collected against the applicant. As discussed above, except recovery under Section 27, prosecution has no other evidence against the applicant. In the facts and circumstances of the case, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SACHIN DEVRAM VIRATKAR** 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.201 of 2021, registered at Sonai Police Station, District Ahmednagar, for the offences punishable

under Sections 302, 120-B 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/-