

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

BAIL APPLICATION NO.670 OF 2023

Rajaram s/o. Devrao Jadhav

..Applicant

Vs.

The State of Maharashtra
and anr.

..Respondents

Mrs.Rashmi S. Kulkarni along with Ms.Namita Thole, Advocate h/f.
Mr.Govind Ingole, Advocate for applicant

Mr.A.R.Kale, APP for respondents

**CORAM : R.G. AVACHAT, J.
DATE : JULY 28, 2023**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure for bail in connection with Crime No.0099 of 2022, registered with Hadgaon Police Station, Tq. Hadgaon, Dist. Nanded, for the offences punishable under Sections 302, 120(B)(1), 201 read with Section 34 of Indian Penal Code.

2. Heard both sides.

3. The trial Court was directed to examine two material witnesses. Both have been examined. None of them stand by the prosecution.

4. Learned APP has strong reservations to grant the applicant bail. According to him, the trial would soon be over. The trial Court may be influenced by this order.

5. Considered the submissions advanced. Since the material witnesses did not stand by the prosecution, without observing anything about merits of the matter, the application deserves to be allowed.

6. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0099 of 2022, registered with Hadgaon Police Station, Tq. Hadgaon, Dist. Nanded, for the offences punishable under Sections 302, 120(B)(1), 201 read with Section 34 of Indian Penal Code, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount, on condition that :-

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

(iv) The trial shall not be influenced by the observations made herein above.

[R.G. AVACHAT, J.]

KBP