

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

916 BAIL APPLICATION NO.662 OF 2023

WITH

CRIMINAL APPLICATION NO.1582 OF 2023 IN BA/662/2023

RAMESH MADHAVRAO BHALERAO

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. More P. P.

APP for Respondent-State : Mr. K. S. Patil.

Advocate for Complainant to assist APP : Mr. Anand Chawre.

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CORAM : S. G. MEHARE, J.

DATE : 06.06.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the complainant.

2. The applicant is seeking bail in Crime No.97 of 2022, registered at Police Station Chakur, District Latur, for the offences punishable under Section 302, 201, 120-B, 212, 216 read with 34 of the IPC and Section 3(1)(i), 3(2), 3(3), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. Learned counsel for the applicant would submit that the applicant has been made a scapegoat. He has no role to play in the alleged incident. The material collected against the

applicant is not sufficient to believe that the applicant was the member of the organized crime syndicate. He was totally unaware of the incident in which he has been arraigned as an accused. There are no antecedents to his discredit. He has not received any benefit out of the alleged crime. A similarly situated co-accused namely Purshottam Tukaram Surnar has been granted bail.

4. Learned APP and the learned counsel for the father of the victim have vehemently opposed the application. They would submit that the statement of the applicant under Section 18 of the M.C.O.C. Act is material. He cannot deny his statement. It has also been vehemently argued that the applicant was knowing well the main accused and was the member of the organized crime syndicate. He has received the benefit out of the crime. The offence is serious. He does not deserve bail.

5. Perused the papers. Considering the allegations levelled against the applicant, it is clear that the role attributed to the applicant does not inspire the confidence that he was directly involved in the crime. As per the prosecution, after the incident, the applicant was just a pillion rider on one motorbike, which was used by the main accused. So far as the

offence under Section 201 of the IPC is concerned, it is a matter of evidence whether the applicant has the knowledge that the evidence was disappeared. There are no antecedents to the discredit of the applicant. Considering the role attributed to the applicant and no antecedents to his discredit, the applicant deserves bail on certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **RAMESH MADHAVRAO BHALERAO** 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.97 of 2022, registered at Police Station Chakur, District Latur, for the offences punishable under Section 302, 201, 120-B, 212, 216 read with 34 of the IPC and Section 3(1)(i), 3(2), 3(3), 3(4) of the Maharashtra Control of Organized Crime Act, 1999, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.

- (b) He shall not contact the other co-accused as well as the witnesses till conclusion of the trial.
 - (c) He shall not enter Taluka Ahmedpur for three months from the date of his release.
- (iii) Criminal application No.1582 of 2023 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

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vmk/-