

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

920 BAIL APPLICATION NO.798 OF 2023

NITIN SUDHAKAR AVCHITE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Ms. Kulkarni Rashmi S., Dhongde
Rohit Ravindra.
APP for Respondent-State : Mr. S. P. Deshmukh.
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CORAM : S. G. MEHARE, J.
DATE : 21.06.2023

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.88 of 2020, registered at Kopargaon Taluka Police Station, Tal. Kopargaon, District Ahmednagar, for the offences punishable under Sections 302, 452, 143, 147, 148, 149, 120-B, 75 of the IPC and Sections 3/25, 4/25, 7/25 and 27 of the Arms Act.
3. Perused the charge sheet. He has not named in the FIR. Belatedly, the witness came forward to state against the applicant. Considering the delay in disclosing the name of the applicant, it can be presumed that the witnesses had sufficient time to know about the applicant. In such circumstances,

Identification Parade of the applicant may not be hurdle for the purpose of the bail. That apart, the description of the applicant was also not given in the statement of the witnesses. As far as recovery of the pistol is concerned, considering the timing of two consecutive memorandum under Section 27 of the Indian Evidence Act, it raises doubt. The ballistic report is still not available. In view of the facts and circumstances of the case, it would be inappropriate to keep the applicant behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **NITIN SUDHAKAR AVCHITE** 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.88 of 2020, registered at Kopargaon Taluka Police Station, Tal. Kopargaon, District Ahmednagar, for the offences punishable under Sections 302, 452, 143, 147, 148, 149, 120-B, 75 of the IPC and Sections 3/25, 4/25, 7/25 and 27 of the Arms Act, on the following conditions :

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

(S. G. MEHARE, J.)

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vmk/-