

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

BAIL APPLICATION NO.831 OF 2023

**SHAM JALINDAR BHOSALE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Ajinkya Kale i/b Talekar And Associates
APP for Respondent/State : Mr. K.S. Patil

...
CORAM : S.G. MEHARE, J.

DATED : JUNE 23, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.205 of 2022 registered with Washi Police Station, District Osmanabad for the offence punishable under Section 302 r/w 34 of Indian Penal Code.
3. Learned counsel for the applicant would argue that except the statement of the first informant, there is nothing against the applicant. The chemical report of the clothes of the applicant is not called by the police station. The investigating officer ought to have made more efforts to bring the relevant facts. The witness namely Bhagwan beside whom the deceased was sleeping was the best witness. No test identification parade of the applicant was held. There was no evidence against the applicant to believe that he is the author of the crime. The applicant is the only bread winner of his

family and languishing in jail for sufficient time. He prayed for his bail.

4. Per contra, learned APP would submit that the witness Bhagwan who was sleeping beside the deceased categorically stated that he heard the noise of some stroke and saw that two persons were there. He also noticed that the deceased was lying in the pool of blood as his head was broken. He has categorically stated in his statement that due to dark, he could not know them.

5. The fact that a day before the incident there was a quarrel between the family of the applicant and the deceased on the count of stealing hens was consistently stated by the witnesses. The incident happened in the intervening night of that day. After eliminating the deceased, the applicant went to the house of the complainant and told her that he has eliminated her husband. The weapon allegedly used is recovered at his instance. The injury suffered by the deceased was brutal. The applicant was most aggressive. The offence is grave. The applicant may tamper with the prosecution witnesses. For the above reason, the Court is of the view that it would not be safe to release the applicant on bail. Hence, the application stands dismissed.

(S.G. MEHARE, J.)