

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.988 OF 2023

SK. AKBAR @ GAJJAR S/O. SK. GOUS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Suraj R. Bagal
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 05-07-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is seeking bail in C.R.No.0093 of 2022 registered with Police Station Itwara, District Nanded, for the offence punishable under Section 302 of the Indian Penal Code.
3. Except the recovery of blood stained cloths of the applicant and the so-called dagger from the applicant under Section 27 of the Evidence Act, the prosecution has no evidence. The applicant has been arraigned as an accused as he used to have been there in the area where the dead body of the deceased was found. There was no enmity between the applicant and the deceased. The incident allegedly happened in the place at a open toilet. Apart

from recovery, the prosecution has medical evidence that the applicant had wound over his left hand thumb. There is no evidence that those were fresh injuries or eight days old injuries.

4. Considering the evidence against the applicant, it is to be tested before the Court during the trial. However, on the basis of such evidence, the detention of the applicant would serve no purpose. Hence, the order :-

- i) Bail application is allowed.
- ii) Applicant Sk. Akbar @ Gajjar s/o. Sk. Gous, be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.0093 of 2022 registered with Police Station Itwara, District Nanded, for the offence punishable under Section 302 of the Indian Penal Code, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on each effective date.

**(S. G. MEHARE)
JUDGE**

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