

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

937 BAIL APPLICATION NO.1081 OF 2023
WITH APPLN/2694/2023 IN BA/1081/2023

GOVIND S/O DAJIRAM MANE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sidhesh V. Jadhwar h/f
Mr. Thombre S. S.

APP for Respondent-State : Mr. S. P. Deshmukh.
Advocate for Complainant to assist APP : Mr. Anand S.
Deshpande h/f Mr. Ade S. P.

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CORAM : S. G. MEHARE, J.
DATE : 25.07.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the complainant.
2. The applicant is seeking bail in Crime No.290 of 2022, registered with Ambajogai Rural Police Station, District Beed, for the offence punishable under Sections 302, 201 read with Section 34 of the IPC.
3. The applicant is seeking bail on the ground that there is no concrete circumstantial evidence against the applicant, except recovery of the mobile handsets belonging to the

deceased. Referring to the FIR, he would argue that the role attributed to the applicant was not direct. The statement of Mandakini read over by the learned counsel for the complainant/victim also does not reveal that the applicant had direct role to play in the alleged incident. The applicant has an explanation that since he was scared, he flee away from his house when police went there. However, on the next day, he has been arrested. There are no CDRs of the communication between the first informant, the applicant and one co-accused Murli. Except the extra judicial confession, the prosecution has no evidence. The material collected against the applicant is balanced. The investigation has been completed. Nothing is to be recovered from the applicant. Hence, further detention of the applicant would serve no purpose. However, to guard the apprehension of the prosecution, certain conditions may be imposed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **GOVIND S/O DAJIRAM MANE** 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.290 of 2022, registered with Ambajogai Rural Police Station, District Beed, for the offence punishable under Sections 302, 201 read with Section 34 of the IPC, on the following conditions :

- (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall attend the trial on each and every effective date.
 - (c) He shall not threat the first informant.
 - (d) He shall stay away for three months from village Chichkhandi, Taluka Ambajogai, District Beed from the date of his release.
- (iii) Criminal application No.2694 of 2023 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

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vmk/-