

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

BAIL APPLICATION NO.1124 OF 2023

DNYANESHWAR KISAN SHINDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S.S. Thombre
APP for Respondent/State : Mr. S.P. Deshmukh

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

DATED : JULY 13, 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.830 of 2022 registered with Ambad Police Station, District Jalna for the offence punishable under Section 302, 201 r/w 34 of the Indian Penal Code.
3. The applicant is the maternal uncle of the deceased. The prosecution has a case that the applicant and family of the deceased had quarrel over a road for approaching his field. On the day when the deceased left the home, the brother of the deceased saw the applicant going to his field. Hence, they uprooted the thorny fence from the border of their field and came house. Thereafter after having meal, the deceased left the home. His mother lodged a missing report without raising suspicion over the applicant. When the dead body was found in a lake, the suspicion was raised against the applicant and he

has been arrested. Except the recovery of the stick, there is nothing against the applicant. For want of specific allegations about the conduct of the applicant before the deceased left home, it would be difficult to believe that the applicant has played an active role. His confessional statement before the police is inadmissible. There are no strong circumstances against the applicant showing his involvement in the crime.

4. For the above reasons, the applicant deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Dnyaneshwar Kisan Shinde, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall not enter Village Lalawadi for two months from the date of his release.

(S.G. MEHARE, J.)