

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

BAIL APPLICATION NO.1119 OF 2023

**YOGESH HARIBHAU MORE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. S. J. Salunke
APP for Respondent: Mr. Y. G. Gujarathi

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CORAM : S. G. MEHARE, J.

DATE : 12.07.2023

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 Crime No.1/2023 registered with Police Station, Bhokardan, District Jalna for the offences punishable under Sections 302, 120-B, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.
3. The prosecution has a case that the deceased was ill-treated at the hands of the her husband and his relatives. The husband killed the deceased with a stone on the road and it was pretended as a road traffic accident. The applicant played a role in pretending it as a road traffic accident. The tractor used in the crime was stationery on the

spot of the accident. It has also been alleged against the applicant that he was continuously in contact on phone with main accused/husband of the deceased since prior to the incident. Therefore, in conspiracy with the husband of the deceased, the applicant killed the wife of the co-accused/husband.

4. The learned counsel for the applicant submits that the tractor allegedly found on the spot was not in the name of the applicant. He had no concern with the said tractor. The husband of the deceased was well known to the applicant. They were chit-chatting on phone. He never participated in the alleged conspiracy. At the most, if the prosecution case is accepted as it is, the role attributed to the applicant would be that of helping the main accused pretending the murder as road traffic accident. Except mobile phone, nothing has been recovered from the applicant. Hence, he deserves bail.

5. Perused the papers. The applicant is admittedly not relative of the co-accused who was the husband of the deceased. The alleged tractor involved in the incident was registered in the name of one Rameshwar More. The prosecution has a case of murder of the wife of the co-accused/husband with a stone. Therefore, the role

attributed to the applicant appears not more than helping the co-accused to pretend the murder as road traffic accident.. In the facts and circumstances of the case, the applicant deserves bail. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) Applicant Yogesh Haribhau More be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in aforementioned crime registered with aforementioned police station, 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.

(S. G. MEHARE)
JUDGE