

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

918 BAIL APPLICATION NO.1193 OF 2023

SHAILESH SAKHARAM KURHADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 04.08.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail in Crime No.172 of 2023, registered with Akhada-Balapur Police Station, District Hingoli, for the offences punishable under Sections 302, 364, 120-B, 201 read with Section 34 of the IPC.
3. The prosecution has a case that deceased was the husband of the co-accused. The wife of the deceased and co-accused Mohsin Kha Harun Kha Pathan had an extra marital relationship. Hence, all the accused eliminated him.

4. As far as the role attributed to the applicant, there was no test Identification parade. Though the prosecution has witnesses saying that they saw three persons occupying the seats in the car, no evidence is there that he was one of the occupiers in the car, in which, the deceased was taken. The clothes of the applicant have been recovered at his instance. But, there was no trace marks. Except the recovery of the clothes, the prosecution has no *prima facie* circumstances against the applicant to believe that he was the co-accused in the crime. The applicant is languishing in jail since 14.03.2023. The charge sheet has been filed. There are no antecedents to his discredit. Considering the facts and circumstances of the case, the Court is of the view that this is a fit case for bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SHAILESH SAKHARAM KURHADE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, in Crime No.172 of 2023, registered with Akhada-Balapur Police Station, District Hingoli, for the offences

punishable under Sections 302, 364, 120-B, 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 effective date.

(S. G. MEHARE, J.)

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vmk/-