

(1)

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

BAIL APPLICATION NO.1220 OF 2023

**RAMDAS KISHAN SHITALKAR
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Chondhekar Balaji S.
APP for Respondent/State : Mr. Y.G. Gujarati
...

CORAM : S.G. MEHARE, J.

DATED : AUGUST 02, 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.51 of 2022 registered with Yusuf Wadgaon Police Station, District Beed for the offence punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.
3. The accused and wife of the deceased have been arraigned as accused in the present case with the allegations that out of their extra marital relationship, they killed the deceased. The entire case of the prosecution rests upon the circumstantial evidence. The deceased was the maternal brother of the applicant. Suddenly, the deceased went missing. Then the prosecution collected the evidence of daughter and son-in-law of the deceased, who have stated

that they saw the applicant and co-accused in a compromising condition. Except the CDR and recovery of the weapon at the hands of the applicant, the prosecution has no material. The allegations levelled against both the accused are similar and the co-accused has been granted bail by this Court.

4. Learned APP opposed the application. He would contend that the trial has begun. There is great possibility of tampering with the prosecution witnesses.

5. The Court has to consider the law. Similarly situated co-accused has been granted bail, who is the mother and mother-in-law of the material witnesses. Considering the facts in toto, the Court is of the view that the applicant deserve parity and bail on merit. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Ramdas Kishan Shitalkar, 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 attend the trial on each effective date.
- (iv) The applicant shall not enter Village Aurangpur, Taluka Kaij, District Beed, till conclusion of the trial.

(3)

(v) Needless to state, the observations are prima facie for the bail purpose only. The Court trying the case shall not be influenced by this order.

(S.G. MEHARE, J.)