

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

BAIL APPLICATION NO.1273 OF 2023

**AMAR ASHOK GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. S.G. Kawade
APP for Respondent: Mr. S. B. Narwade

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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 A.P.P. for the respondent/State.
2. The applicant seeks bail in Crime No. 46 of 2023 registered with Police Station Latur Rural, District Latur, for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code under Section 3/25 of the Arms Act and under Section 135 of the Maharashtra Police Act.
3. Unfortunately, the co-accused killed his brother. As per the prosecution case, the role attributed to the applicant is that he and co-accused brother of the deceased were knowing each other. The

applicant took co-accused on his motor-bike at odd hours. It has been alleged against the applicant that he had facilitated the main accused to commit the crime.

4. Except traveling with the co-accused at odd hours, there are no allegations against the applicant that he had played an active role at the time of actual commission of the offence. The main accused who killed his brother and present applicant were friends. Another view of having no knowledge to the applicant is also possible. Except vehicle nothing is recovered from the applicant.

5. Considering the facts of the case and allegations levelled against the applicant, the Court is of the view that further detention of the applicant would serve no purpose. The applicant is a young college going boy. There are no antecedents to his discredit. Hence, the following order :

ORDER

(i) The application is allowed.

(ii) Applicant Amar Ashok Gaikwad 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) He shall not tamper with the prosecution witnesses.
- (b) He shall not contact the co-accused in any mode manner till conclusion of the trial.
- (c) He shall attend the trial on each and every effective date.

(S. G. MEHARE)
JUDGE

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