

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

BAIL APPLICATION NO.1256 OF 2023

AKSHAY NANASAHEB WAGASKAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. N. S. Ghanekar
APP for Respondent: 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 A.P.P for the respondent/State.
2. The applicant seeks bail in Crime No. 271 of 2023 registered with Police Station Shrigonda, District Ahmednagar, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.
3. The FIR is silent about the role attributed to the applicant. The FIR is about the suspicion over the other co-accused with whom there was a sale transaction of the property, that too, long back. One fine morning the applicant was arrested and there were two recoveries under Section 27 of the Indian Evidence Act from the applicant, firstly, he has produced his cloth which were not blood stained and secondly, one stone has been recovered at

his instance.

4. The complainant had no slightest doubt over the applicant. Except recovery of the clothes and stone at the instance of the applicant, the prosecution has no other evidence. There are no antecedents to his discredit. The C.C.T.V. footage has been recovered, but it was blurred. Therefore, it was difficult for the prosecution to identify that the applicant was the assailant. The investigation has been completed. There are no antecedents to the discredit of the applicant. Nothing is to be recovered from the applicant. *Prima facie* material showing his nexus with the crime is absent in the case. Hence, the applicant deserves bail. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) Applicant Akshay Nanasaheb Wagaskar be released on bail on furnishing PB. 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) The applicant shall attend the trial on each and every effective date.

(S. G. MEHARE)
JUDGE