

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

BAIL APPLICATION NO.1319 OF 2023

SAHEBRAO SANDU MHASKE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. S. S. Bora
APP for Respondent: Mr. S. P. Deshmukh

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CORAM : S. G. MEHARE, J.

DATE : 19.08.2023

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. 128 of 2022 registered with Pachora Police Station, District Jalgaon for the offence punishable under Sections 304, 307, 326, 328, 504, 506 read with Section 34 of the Indian Penal Code.

3. The complainant, who alleged against the applicant that he assaulted him with Iron rod, is died due to heart attack after two days of the incident. The applicant is languishing in jail since March 2022. The weapon allegedly used in the crime has been recovered

from the spot of the incident. The statements of the son and wife of the deceased were recorded after three months of the incident. There appears substance in the argument of learned counsel for the applicant that nothing is to be recovered from the applicant and there are no antecedents to his discredit. Therefore, he deserves bail. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) Applicant Sahebrao Sandu Mhaske 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 attend the trial on each and every effective date.

(S. G. MEHARE)
JUDGE