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

**BAIL APPLICATION NO.1613 OF 2022
WITH APPLN/3359/2022 IN BA/1613/2022**

**VIJAY BALASAHEB KHARADE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Ajinkya Kale, Advocate on behalf of Talekar & Associates, for applicant;

Mr. S.B. Narwade, A.P.P. for respondent/State;

Mr. A.D. Gade, Advocate for complainant

CORAM : S. G. MEHARE, J.

DATE : 7th JANUARY, 2023

PC.

1. Heard the learned counsel for the applicant, learned A.P.P. for the respondent/State and Mr. Gade, learned counsel for the complainant.

2. By this application under Section 439 of the Criminal Procedure Code, the applicant seeks bail in F.I.R. No.88 of 2020, registered with Kopergaon Taluka police station, Kopergaon, for offences punishable under Sections 302, 452, 143, 147, 149, 120-B and 75 of the Indian Penal Code and Sections 3/25, 4/25, 7/25 and 27 of the Arms Act.

3. The serious allegations have been levelled against the applicant that he shot dead the deceased. There is direct evidence against the applicant. The incident happened in broad day light. The

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prosecution has collected the evidence showing the involvement of the applicant in the crime.

4. It has been argued by the learned counsel for the applicant that the applicant has been falsely implicated in the crime.

5. The prosecution would submit that there were criminal cases against the applicant. He has no good past. The applicant is a member of a gang. A serious offence has been committed. The applicant is allegedly involved in the group of sand mafias. The weapon has also been recovered at the instance of the applicant. The case appears serious. The deadly weapons like Pistols have been used.

6. Considering the gravity of the offence and the evidence collected against the applicant as well as the past of the applicant, it is not desirable to grant him bail. Hence, the application stands dismissed.

7. Criminal Application No.3359 of 2022 stands disposed of.

(S. G. MEHARE, J.)

amj