

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

3 BAIL APPLICATION NO.1596 OF 2023

SAMADHAN SUDHAKAR PATIL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant: Mr. P. R. Katneshwarkar h/f S. H. Jadhav
APP for Respondents : Mrs P. V. Diggikar

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: November 07, 2023

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.0022 of 2023 registered with Police Station, Kasoda, Tq. Erandol, District Jalgaon for the offences punishable under Sections 120-B, 302 r/w 34 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the complaint given by Kiran Subhash Patil who alleges that there was dispute between Nilesh Dnyaneshwar Desale and Sachin @ Sonu Devidas Patil. Nilesh had threaten Sachin to kill him. On 19.03.2023 at about 6.00 a.m. while Sachin was proceeding on his motorcycle towards village Bhatkhande he has been assaulted. He was shifted to hospital where he succumbed to the injuries. It is further alleged that because of previous disputes, accused Nilesh Desale has hatched conspiracy and killed him through contract killers. Investigation progressed in the matter. Applicant has been

arrested on 20.03.2023. On completion of investigation, charge-sheet is filed. Plea for grant of bail moved on behalf of applicant has been rejected by order of Sessions Court dated 14.08.2023.

3. Mr. Katneshwarkar learned advocate appearing for applicant would submit that applicant is neither assailant nor he can be linked with conspiracy of murder along with other accused persons. He would submit that statement of witnesses recorded during course of investigation attribute role against applicant that he has provided information to main assailants and also arranged for their residence and mills at the instance of main accused i.e. Nilesh Desale. He would submit that most of the witnesses are stating so on the basis of hear say information. Statement of employees of hotel and owner only suggest that applicant has been with accused persons and informed that main accused Nilesh will pay bill of food of the hotel. There is nothing to indicate that, the applicant was knowing about criminal conspiracy. He would therefore urge to release applicant on bail.

4. Learned A.P.P. as well as learned Advocate appearing for informant strongly opposes the prayer for grant of bail. They would invite attention of this court to statement of witnesses particularly statement of Sachin Sapkale, who works as room service boy at the hotel and statement of Sham Rathod, who is Manager of Hotel Nirmal Residency to contend that applicant had accompanied with accused persons and he has introduced them with hotel owner. Statement of Sachin

aaa/-

Sapkale suggest that applicant was accompanied by the main assailants at the hotel. Therefore, they urges to reject the application for grant of bail.

5. Having considered the submissions advanced and on perusal of evidence collected during investigation, it is apparent that, applicant is not attributed role in actual incident of murder. He is alleged to have provided information regarding movement of deceased Sachin @ Sonu and also made arrangement for stay and food of main assailants. Perusal of the statement of witnesses nowhere suggest that applicant has participated in conspiracy or knowing about intention of main assailants to cause murder of Sachin @ Sonu. It is possible that applicant had provided certain information of deceased, however from material on record prima facie it is difficult to infer that the applicant had knowledge about this conspiracy of murder hatched by main accused along with assailants. Applicant is behind bar since March, 2023 i.e. for more than seven to eight months. Learned APP confirms that there are no criminal antecedents. Considering limited role attributed to applicant, further detention of the applicant would not be necessary. Whether, applicant can be booked in terms of Section 120-B of IPC would be subject matter of trial. In that view of the matter, case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby allowed.

- ii. The applicant - Samadhan S/o. Sudhakar Patil be released on bail in connection with Crime No.22 of 2023 registered with Police Station Kasoda, Tq. Erandol, District Jalgaon for the offences punishable under sections 120-B, 302 r/w 34 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), on the following conditions :-
- a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend each and every effective date before trial court.
 - c] The applicant shall not indulge in similar offence.
- iii. Bail application is accordingly disposed off.

(S.G.CHAPALGAONKAR)
JUDGE.

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