

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

BAIL APPLICATION NO.1757 OF 2022

SOPAN BALAJIRAO NEVHAL (PATIL)

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Senior Advocate Mr. Rajendra Deshmukh a/w
Adv. Shriram Deshmukh I/b Adv. Devang Deshmukh
APP for Respondent: Mr. K. S. Patil

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CORAM : S. G. MEHARE, J.

DATE : 21.02.2023

PER COURT :

1. The applicant has been arraigned as an accused for the offence punishable under Section 302 of the Indian penal Code. Prima facie evidence against the applicant is that on the night of 31st December, 2021 the applicant and other co-accused had beaten the deceased. The *post mortem* report reveals that the deceased had also consumed liquor. It may be a new year party of 31st December.

2. The prosecution has story that the applicant threw the deceased from the floor of the residential tower. However, there is no eye witness except the assaulting the deceased. One of the witnesses Anusaya, mother of the co-accused is not, in fact an eye witness to the

incident of throwing the deceased from the floor of the residential tower.

3. The learned counsel for the applicant has expressed apprehension of falling down of the deceased due to consumption of liquor. He also argued that there is nothing against the applicant to believe that there was a mens rea. It may be an accident. Be that as it may, the applicant is behind bar for more than one year. The investigation has been completed. The trial will take its time to conclude. The apprehension of the State must be safe guarded by imposing certain terms and conditions. In the light of the facts and circumstances of the case, the Court is of the view that there is no propriety in keeping the applicant behind bar. Hence, the applicant deserves bail. Thus the following order:-

- i) The application is allowed.
- ii) Applicant Sopan Balajirao Nevhal (Patil) be released on bail, on furnishing P.B. and S. B. of Rs. 50,000/- with one solvent surety of like amount in C.R. No. 3/2022 registered with Police Station Bhagyanagar Nanded, District Nanded for the offence under Sections 302, 504 read with Section 34 of the Indian Penal Code, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.

- (b) He shall not contact the first informant till the conclusion of the trial.
- (c) He shall attend the trial on each and every date of hearing.
- (d) He shall not disturb the peace in the locality.

(S. G. MEHARE)
JUDGE

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