

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

**BAIL APPLICATION NO. 1886 OF 2022**

Uttreshwar @ Baba Bapurao Zombade,  
Age : 29 Years, Occ. Labour,  
R/o. Bhatshirpura, Tal. Kallam,  
Dist. Osmanabad. ... Applicant.

VERSUS

The State of Maharashtra,  
Through Shiradhon Police Station,  
Tq. Kallam, Dist. Osmanabad. ... Respondent

....  
Mr. P. P. More, Advocate for the Applicant.  
Mr. S. P. Deshmukh, APP for the Respondent State.

....

**CORAM : S.G. MEHARE, J.  
DATE : 11.01.2023**

**PER COURT :-**

Heard the learned counsel for the applicant and  
learned APP for the respondent-State.

The applicant has been arraigned as an accused for  
the offence of murder. The learned counsel for the applicant  
argued that the applicant was one of the member of the mob  
present on the spot of the incident. When quarrel was going on  
between the deceased and the co-accused, the applicant tried  
to separate them. He was trying to pull the deceased to

separate him. However, the first informant misunderstood the situation and alleged that the applicant instigated the co-accused to kill the deceased. He made the false allegations of fleeing away from the spot of incident. There are no allegations of assault at the hands of the applicant with weapon. Immediately after the incident the accused was arrested. The co-accused is neither his friend nor relative. Nothing is recovered from him. There are no antecedents to his discredit. He is a labourer. He has to maintain his family. Hence, he may be granted bail.

3. The learned A.P.P. would submit that the allegations against the applicant reveals that he facilitated the co-accused to commit the crime. He also instigated the co accused to assault. Post incident conduct of the applicant shows his involvement in the crime. The offence is serious. Hence, he may not be granted bail.

4. Perused the charge sheet. In view of the situation and the case of the applicant, possibility of holding the deceased for separating quarrel appears probable. There were many persons gathered on the spot of the incident and one of the witnesses also tried to separate the quarrel. In view of the

situation of the matter, the applicant has good case for bail.  
Hence the order.

**O R D E R**

- (I) Bail Application is allowed.
- (ii) Applicant Uttreshwr @ Baba Bapurao Zombade be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in Crime No. I- 103 of 2022, registered with Shiradhon Police Station, Taluka Kallam Dist. Osmanabad for the offence punishable under Sections 302, 109, 506 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 attend the trial on each effective date.

**( S.G. MEHARE )  
JUDGE**

YSK/