

(1)

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

BAIL APPLICATION NO.2093 OF 2022

JIVANRAO YADAVRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Palnitkar Sanket Shantaram
APP for Respondent/State : Mr. S.P. Sonpawale
...

CORAM : S.G. MEHARE, J.

DATED : JANUARY 07, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The prosecution case is that the applicant along with two co-accused mercilessly beat the deceased. There are eye witnesses to the incident as well as oral dying declarations.
3. The facts of the case reveal that the first person who witnessed the deceased lying injured found that two persons were present there. However, the prosecution has roped three accused. The oral dying declaration is a weak piece of evidence. The presence of the accused on the spot of incident appears doubtful. The investigation has been completed. Nothing is to be recovered from the applicant. Hence, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Jivanrao Yadavrao Patil, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.329 of 2022, registered at Degloor Police Station, District Nanded for the offence punishable under Section 302, 294, 34 of the Indian Penal Code, on the condition that he shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)

Mujaheed//