

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

**24 BAIL APPLICATION NO.1977 OF 2022
WITH
APPLN/4418/2022 IN BA/1977/2022**

Avinash Shivkant Wanole,
Age; 30 years, Occ; Private Service,
R/o; Chandasingh Corner Tuppa,
Tq. & Dist. Nanded.

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...
Advocate for Applicant : Mr.Hande Avinash D.
APP for Respondent-State : Mr. S.P.Sonpawale
...

CORAM : S. G. MEHARE, J.

DATE : 16.01.20223

PER COURT :

1. Heard the learned Counsel for the applicant, learned APP for the Respondent/State and the learned Counsel for the complainant.

2. The applicant is the nephew of the first informant. He states that they had a dispute over the share in property. On the day of the incident, the applicant had been to his house, as his wife was about to deliver a child. The co-accused had stayed in the house of the applicant as he wanted to visit Gurudwara. The complainant

raised quarrel with applicant, hence the main accused tried to rescue him. The weapon allegedly used in the crime has been recovered from the husband of the complainant. The informant suffered simple injuries. The applicant is behind bar for about 6 months. The charge sheet has been filed. Hence, he may be released on bail.

3. The learned APP and the learned Counsel for the complainant opposed the application contending that the main accused was a contract killer and the present applicant wanted to kill the complainant and his family. Though the injuries have been recorded as simple injuries, those were grievous. There are possibilities of direct involvement of the applicant into the crime. The complainant and the injured have apprehension of threats to their life at the hands of the applicant.

4. Perused the papers produced before this Court. It is not in dispute that the weapon allegedly used in the crime was a sickle. It was a common article, available in the house of the agriculturist. There may be possibilities of direct involvement of the applicant in the crime. However, at this juncture the prosecution has no evidence to believe that the applicant appointed main accused as contract killer and they had hatched the conspiracy. The apprehension of the complainant may be secured by imposing certain conditions. The

record reveals that the applicant was serving at Pune and he used to visit Nanded intermittently. Bearing in mind the facts of the case, relations between the parties and the nature of the allegations, this Court is of the view that no purpose would be served by keeping the applicant behind bar. Hence, the following order :

ORDER.

- 1) The application is allowed.
- 2) Applicant – Avinash Shivkant Wanole, be released on bail, on furnishing PB and SB of Rs.50,000/- (Rs. Fifty Thousand Only) with one solvent surety in the like amount, in C.R.No.398 of 2022, registered with Nanded Rural Police Station District Nanded, for the offence punishable under Sections 452, 307, 109 of the Indian Penal Code and under Section 4 and 27 of the Arms Act, on following conditions :
 - a) He shall not tamper with the prosecution witnesses.
 - b) He shall not enter Nanded City for a period of 6 months from his release on bail, except for the purpose of appearance before the trial Court, if required.
- 5) Criminal Application No. 4418 of 2022 in Bail Application No. 1977 of 2022 is disposed of.

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

mahajansb/