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

BAIL APPLICATION NO.2093 OF 2023

**SOHAM GORAKHNATH PAWAR
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Ms. S.P. Waghchoure
h/f. Mr.Nilesh S. Ghanekar
APP for Respondents: Mrs. P.J. Bharad.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 8 DECEMBER, 2023

ORDER :-

1. The applicant seeks regular bail in connection with Crime No. 199 of 2023 dated 20.10.2023 registered with Osmanpura Police station, Dist. Aurangabad, for the offences punishable under Sections 307 r/w. 34 of IPC.

2. The investigation was set in motion on the basis of information given by Shashikant Manor Burthane who alleges that on 19th October, 2023, he came to the shop of his relative namely Rohidas Banswal situated in Osmanpura area. One Naresh Khandenwal was working in the shop. While he was sitting in the shop, he heard the noise of pelting stones. Naresh went out of the shop. Again, there was pelting of stones. The informant came out of the shop and saw that Naresh was talking with two unknown persons. They were standing besides Yamaha Motorcycle. When Naresh asked them as to why they are pelting stones, one of the culprits hit the stone on the head and right thigh of the informant. He was in frightened state. At the same time, another culprit

inflicted injury of knife on his stomach. It is accordingly, alleged that unknown accused persons attempted to cause murder of the informant. Accordingly, offence has been registered against unknown persons. The applicant is apprehended in connection with aforesaid crime. The investigation papers shows that apart from applicant, two other persons are arrested. A knife is recovered from one of them.

2. Learned advocate for the applicant would submit that the applicant has been falsely implicated. He is unconcerned with the incident in question. Learned APP, however, submits that one of the culprits in his disclosure statement, took the name of the applicant being their companion at the time of commission of offence. Therefore, she submits that prima facie there is evidence to establish complicity of the applicant in the alleged offence. Investigation is still in progress. As such, she urges to reject the prayer for grant of bail.

3. Having considered the submissions advanced, the FIR has been lodged against unknown persons. Two of them are identified and arrested by the police officers. So far as the applicant is concerned, he has been nabbed on the basis of statement given by co-accused. Perusal of the contents of the FIR shows that the informant states about the role of only two accused persons, who were responsible for causing injury to him. There is no reference of any more person except 2 unknown culprits against whom specific role is attributed. The investigation papers show that now the prosecution improvised the case that there were 3 culprits of offence. Perusal of the police papers indicates that the so called discovery statement of co-accused relied to bring complicity of the applicant in commission of offence. No other material is gathered. Even

his role is not specified anywhere. The recovery of incriminating articles is effected from co-accused persons.

Learned APP confirms that there are no criminal antecedents against the applicant. In this background, further detention of the applicant need not be continued. Hence, a case is made out for grant of bail.

O R D E R

- (i) The application is allowed.
- (ii) Applicant – Soham Gorakhnath Pawar, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- (rupees fifty thousand), with one solvent surety of the like amount, in connection with No. 199 of 2023 dated 20.10.2023 registered with Osmanpura Police station, Dist. Aurangabad, for the offences punishable under Sections 307 r/w. 34 of IPC. on the following conditions :

- [a] The applicant shall not tamper with the evidence.
- [b] The applicant shall attend the concerned police station on every Monday, between 10.00 a.m. to 2.00 p.m. till filing of charge sheet.
- [c] The applicant shall cooperate in further investigation.
- [d] The applicant shall not indulge in any criminal activity.
- [iii] The application stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-