



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

941 BAIL APPLICATION NO. 135 OF 2024

Amol Laxman Bontale.

... Applicant

Versus

The State of Maharashtra.

... Respondent

...
Mr. Santosh C. Bhosle, Advocate for Applicant.

Mrs. Pratibha J. Bharad, APP for Respondent/State.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 31st January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.0160 of 2023, registered with Bhokar Police Station, District Nanded for the offence punishable under Section 302 read with 34 of the Indian Penal Code.

3 It is averred in the report that the applicant and co-accused assaulted and committed murder of Madhav alias Pappu on account of not giving some money for taking liquor, by throttling and

also by beating him by wooden log and cutting his vein. They also took away an amount of Rs.3,800/- from his pocket.

4 The learned counsel for applicant submitted that the informant lodged the report against unknown person, but later on, on his supplementary statement, the applicant and co-accused were arrested. The learned counsel for applicant further pointed out that this Court has granted bail to the co-accused vide order dated 13th October, 2023 passed in Bail Application No.1721 of 2023 (Vishnu @ Vishwas Narayanrao More Vs. The State of Maharashtra). The learned counsel for applicant submitted that the confessional statements of the accused are not admissible. The applicant has no criminal antecedents. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the statements of witnesses, postmortem report and fact that incriminating articles, including the amount of Rs.3,800/- are also seized at the instance of this applicant. It is lastly prayed to reject the application.

6 Perused the charge-sheet and the statements of witnesses, postmortem report and also the seizure *Panchanama* of incriminating articles.

7 Initially the FIR was registered against unknown persons. Supplementary statement of the informant was recorded after three days, in which it is clarified that upon the confession made by the accused before the police, he had given such statement. It is not admissible in the evidence. Apart from all these facts, the applicant has no criminal antecedents. He has roots in the society. He will not flee away from the trial. The trial will take long period. Considering the fact that one of the co-accused is released on regular bail by this Court, this applicant is also entitled for bail on the principle of parity. The application, therefore, deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.0160 of 2023, registered with Bhokar Police Station, District Nanded for the offence punishable under Section 302 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses.
 - b) The applicant shall not tamper with the prosecution

evidence, in any manner.

- c) The applicant shall enter into village Ritha, Taluka Bhokar, District Nanded till conclusion of trial.

[SANJAY A. DESHMUKH, J.]

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