

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 153 OF 2024
WITH
CRIMINAL APPLICATION NO. 586 OF 2024
IN BA/153/2024

Amol Marotrao Shinde
VERSUS
The State Of Maharashtra

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Advocate for Applicant : Mr. Rajendrraa Deshmukh, Senior Counsel
a/w Ms. Rakshanda Jaiswal & Mr. Nimish More i/b Mr. Devang
Deshmukh

APP for Respondent/State : Ms. P.R. Bharaswadkar
Advocate for Complainant : Mr. A.V. Indrale Patil

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CORAM : S.G. MEHARE, J.

DATED : JULY 18, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
2. The applicant seeks bail in Crime No.61 of 2023 registered with Manatha Police Station, District Nanded for the offence punishable under Sections 302, 120-B, 201, 324, 506 of the Indian Penal Code.
3. The prosecution case in brief is that the deceased and applicant were close relatives. However, they were having inimical terms. They were fighting for the trust. On the complaint of the deceased, the authorities have taken certain suction against the persons belonging to the group of applicant. The applicant knew well

of the habit of the deceased to go for a walk in the morning. Therefore, taking advantage of the situation, the applicant deliberately dashed the deceased and murdered him.

4. Learned senior counsel for the applicant has vehemently argued that the applicant has been falsely implicated in the crime because of a dispute in the trust. He has no reason to kill the deceased, taking advantage of the situation. The glasses of the vehicle involved in the incident were tinted with film, and the person driving the so-called vehicle had masked his face. He went on to argue that the case of the prosecution is improbable. He also raised the objection that the person who was allegedly injured in the incident was hospitalized when the spot panchnama was drawn. There is a serious dispute about the identification of the person who drove the vehicle. He referred to the spot panchnama and pointed out that the contents of para 10 did not reflect in the body of the spot panchnama. He also argued that the injured who allegedly showed the spot of incident was in hospital. It is just the false implication of the applicant. Hence, he may be granted bail.

5. Learned counsel for the complainant and learned APP for the State would submit that the conduct of the applicant is material. The prosecution has prima facie material that the friend of the applicant owned the offending vehicle. He handed it over to the applicant. Immediately after the incident, he took the vehicle to the

garage. In the ordinary course of nature, he had no reason to take the vehicle to the garage soon after the incident. He knew the habits of the deceased. There was enmity between the two families. The spot of the incident is self-speaking. In the ordinary course of nature, the vehicle driver had no reason to mask his face. It was a well-planned murder of the deceased, who was opposing the applicant and his family in the trust dispute. Considering the overt act of the applicant, there is an apprehension about the life of the witnesses and family members of the deceased. It was pretended to be a vehicular accident, but it was a murder.

6. Perused the papers. The prosecution has prima facie evidence that the offending vehicle which was belonging to the friend of the applicant was in his custody. Nothing is on record to show that after handing over the vehicle, it was used by a person other than the applicant. Considering the spot of the incident, there appears to be no reason to have a vehicular accident. The subsequent conduct of the applicant after the incident of taking the vehicle directly to the garage raises doubt against the applicant. In the ordinary course of nature, the vehicle driver had no reason to mask his face. The tinted glasses are kept transparent. Reading the matter as a whole, the Court believed that prima facie material available against the applicant showed his involvement in the serious offence of murder. He appears

to be an influential person. Therefore, he does not deserve bail.
Hence, the application stands dismissed.

7. Criminal Application No. 586 of 2024 stands disposed of.

(S.G. MEHARE, J.)