



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 BAIL APPLICATION NO. 429 OF 2024

Akshay Navnath Abhange

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. Deshmukh Bhausaheb Sadashivrao
APP for Respondent/State : Mr.Mukesh K. Goyanka

...
AND

BAIL APPLICATION NO. 473 OF 2024

Sachin Pavlas Gajbhiv

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. Nilesh N. Bhagwat h/f Mr.S.D. Bhagwat
APP for Respondent/State : Mr.Mukesh K. Goyanka

AND

BAIL APPLICATION NO. 264 OF 2024

Prashant Dharma Veerkar

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. Shekade Shashikant E.
APP for Respondent/State : Mr.Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 12th APRIL, 2024.

PER COURT :-

1. The applicants are seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicants have been arrested in connection with crime No.0022 of 2023 registered with Police Station, Kasoda, Dist. Jalgaon, for the offences punishable under sections 302, 120-B, 34 of the Indian Penal Code and under sections 3 and 4 of the Arms Act.

2. It is averred in the report that Nilesh Desale, resident of Girad is dealing with selling of sand business. Quarrel took place between Sachin Devidas Patil and Nilesh on account of that business. That quarrel was settled on 23.02.2023. That time, Nilesh threatened him that he will see him later on. On 19.03.2023, informant Kiran Patil came to know that somebody else has assaulted Sachin. He went to the bank of Girna river. He saw that Sachin was lying injured. He took him to Vighnaharta Hospital Pachora by ambulance. From there, he was taken to the rural hospital, Pachora. There he was declared dead. Postmortem was conducted and report was lodged against Nilesh and other accused.

3. The learned advocates for the applicants submit that

there is absolutely no evidence against the applicants. They are falsely implicated in the crime. Application of main accused Nilesh is rejected by this Court. The applicants have roots in the society. They will not flee away from the trial. Trial will take long period. It is lastly prayed to allow the applications.

4. The learned APP for the respondent-State strongly opposed the applications and pointed out that the applicants are involved in the crime. Considering the charge-sheet, it is submitted to reject the applications as it is serious crime of murder.

5. Perused the charge-sheet. Except the applicant in bail application no.264 of 2024, the motor vehicle which was alleged to have used for commission of offence is seized, there is no prima facie evidence against the applicants to connect the applicants with crime. The applicants have roots in the society. They will not flee away from the trial. The trial would take long period. Considering the peculiar set of fact of these cases, the applicants are entitled for bail on the principle that the bail is rule and jail is exception, the applications deserve to be allowed on certain conditions. Hence, the following order.

O R D E R

I. Applications are allowed.

II. The applicants in connection with crime No.0022 of 2023 registered with Police Station, Kasoda, Dist. Jalgaon, for the offences punishable under sections 302, 120-B, 34 of the Indian Penal Code and under sections 3 and 4 of the Arms Act be released on bail on furnishing personal bond of Rs.50,000/- each with one surety of the like amount by each of them on following conditions:-

a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.

III. If any breach of the above conditions is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to this applicants without further reference to this Court.

(SANJAY A. DESHMUKH, J.)

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