



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.268 OF 2024

Sanket S/o Anil Jadhav,
Age-21 years, Occu:Labour,
R/o-Bhimnagar, Bhavsingp[ura,
Galli No.3, District-Aurangabad.

...APPLICANT

VERSUS

The State of Maharashtra,
Through Sillod(Rural) Police Station,
District-Aurangabad.

...RESPONDENT

...
Mr. Chaitanya C. Deshpande Advocate for Applicant.
Mr. S.R. Wakale, A.P.P. for Respondent – State.
Mr. Saud N. Deshmukh Advocate for assist to PP.

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CORAM: S.G. MEHARE, J.

DATE : 30th JULY 2024

ORDER :

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. 155 of 2023 registered with Sillod (Rural) Police Station, District-Aurangabad

for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

3. The prosecution story is that the deceased was in the hotel of the applicant for celebrating the birthday party of his friend. During the birthday party, the deceased had quarrel with the applicant. He was heavily drunken. Hence, he was laid in the adjoining garden of the hotel. Thereafter on the next day his dead body was found at another place. The prosecution has a evidence that the friends of the deceased saw the quarrel between the deceased and the applicant. The weapon, vehicle and blood stained clothes of the applicant have been recovered. On that basis the applicant has been arraigned as accused.

4. Learned counsel for the applicant submits that there was no clear evidence of 'last seen together'. Since the deceased was heavily drunken, he was lying in the garden. He was complaining about the food quality and denied to pay the bill. Thereafter the applicant and his cook went inside the hotel. Nobody saw the applicant and co-accused taking the deceased with them at another place where the dead body was found. Recovery of the alleged weapon and the blood stained clothes is not sufficient to keep the applicant behind bars. He may be granted bail.

5. The learned APP and learned counsel for the complainant have vehemently opposed the application. They would submit that the entire circumstantial evidence prima facie establish the involvement of the applicant in the crime. The corroborative evidence of the blood stained clothes, weapon and vehicle in the crime has also been seized at the instance of the applicant. The offence is serious. Hence bail may not be granted.

6. Perused the material placed on record. Considering the facts of the case and the material collected against the applicant, the prosecution strongly relied on the corroborative piece of evidence. However, the prosecution has a balanced material about the last seen together. There is no witness stating that the applicant and co-accused took the deceased at another place. Considering the balanced evidence against applicant, it would not be appropriate to keep the applicant behind bars. Hence the following order:-

ORDER

- i) Bail Application stands allowed.

ii) The applicant – Sanket S/o Anil Jadhav be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in the above crime, on the condition that:-

(a) The applicant shall not tamper with the prosecution witnesses.

(b) The applicant shall not leave the place of his residence without the leave of the Court.

(c) The applicant shall attend the trial on each and every effective date.

[S.G. MEHARE, J.]