

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 274 OF 2024

Babulal @ Padya Dadu Kirade Pawara

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Deshpande Chaitanya Chandrakant

APP for Respondent/State : Mr. S.D. Ghayal

Advocate for Respondent No.2 : Mr. Kulkarni Suniket Anil

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CORAM : S.G. MEHARE, J.

DATED : JULY 31, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.
2. The applicant seeks bail in Crime No.125 of 2021 registered with Shirpur City Police Station, District Dhule for the offence punishable under Sections 302, 376, 376(D), 201 r/w 34 of the Indian Penal Code.
3. Counsel for the applicant would submit that the applicant is a ragpicker. The incident happened near the place where the applicant used to go for picking the rag. He noticed that a girl was hanged to a Neem tree. He took the dead body down and made a phone call to the police. The police came and he showed the spot of the incident. However, he has been subsequently falsely implicated in the crime on the belated statement of the witness of last seen. The

DNA test report is also not against him. The prosecution has no evidence except the last seen story. The applicant being a ragpicker and intimidated the police, has been made a scapegoat. There are no antecedents to his discredit.

4. Learned APP and learned counsel for the victim have vehemently argued that it is a serious crime of murder of a young girl with rape. The applicant was seen lastly with the deceased. In ordinary course, he had no reason to take the dead body down from the tree to which she was hanged. Prima facie material is available against the applicant. Hence, he may not be granted bail.

5. As discussed above, except the belated statement of the witness of last seen, there is no material against the applicant. The possibility of his presence near the spot of the incident cannot be ruled since he was a ragpicker. The medical evidence is also not against him. He has no antecedents. In the circumstances, he deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Babulal @ Padya Dadu Kirade Pawara, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of

(3)

the like amount in the above crime, on the conditions that;

- (a) The applicant shall not tamper with the prosecution witnesses and shall attend the trial on each and every date.
- (b) The applicant shall not contact the other co-accused till the conclusion of the trial.

(S.G. MEHARE, J.)