



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

997 BAIL APPLICATION NO. 285 OF 2024

Sandesh Pratap Charawande

VERSUS

The State of Maharashtra

Advocate for Applicant : Mr. Shinde Prashant S.
APP for Respondents: Mr. R.D. Raut

.....
CORAM : SANJAY A. DESHMUKH, J.
DATED : 4th APRIL, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 420 of 2023 registered with Khultabad police station, District Aurangabad for the offences punishable under Sections 302, 201 of the I.P.C. His application with similar prayer bearing criminal bail application No. 157 of 2024 came to be rejected by the learned Additional Sessions Judge, Chhatrapati Sambhajinagar (Aurangabad) vide order dated 31.1.2024.

2. It is averred in the report that the brother of the informant viz. Shantilal was murdered by the applicant by giving a blow of hammer on his head. It is averred in the report that the applicant intentionally committed the murder of Shantilal and the brother of the applicant caused disappearance of the evidence.

3. Learned advocate for the applicant submitted that the F.I.R. shows that quarrel took place on the count that the deceased and applicant was under the influence of liquor. Deceased provoked him and therefore, the incident took place. He submitted that case falls within the purview of sub-section 1 of Section 300 of I.P.C. He submitted that the investigation is over. The applicant has roots in the society, he has no criminal antecedents, he will not flee away from the trial. The trial will take a long period, the further custody of the applicant is not necessary. It is lastly prayed for allowing the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime of commission of murder. The applicant and his brother have caused disappearance of evidence of murder. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the statements of witnesses. The incident took place all of a sudden. There was no such preparation or intention to kill deceased Shantilal. Considering the peculiar set of facts and the applicant has roots in the society, he will not flee away from trial, the trial will take a long period, the application, therefore, deserves to be allowed on the principle of bail is rule and jail is exception, on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 420 of 2023 registered with Khultabad police station, District Aurangabad for the offences punishable under Sections 302, 201 of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) If any breach of above condition is noticed by the trial court, the trial court may cancel the bail of the applicant without reference to this Court.

(SANJAY A. DESHMUKH, J.)

rlj/