



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

999 BAIL APPLICATION NO. 313 OF 2024

Roshan Kuwarsing Pawara

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Gajendra D. Jain

APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 1st MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Cr.P.C. in connection with crime No. 0175 of 2023 registered with Dhadgaon police station, District Nandurbar for the offences punishable under Sections 302, 376-D, 376 (2) (J)(L) r.w. 34 of the I.P.C. His application with similar prayer below Exh. 7 in Sessions Case No. 46 of 2023 came to be rejected by the learned Additional Sessions Judge, Shahada vide order dated 9.1.2024.

2. The informant averred in the report that his mother was 50 years old and suffering from mental illness. Initially, she was treated but she could not recover from that illness. She used to wander in the villages Khardi and Amala. Under the influence of mental illness, she was eating the food on palm by seeking the same from the villagers. She used to sleep in the shelter of a Tapari near to the hospital of Dr. Salve, situated at Umrani road and some times in the

shed of Rajendra Pawara at Wadfalya. On 26.07.2023, at about 8.15 a.m. one Pratap Pawara informed the informant that his mother is lying dead at Dhadgaon. He went there and saw that she was having injuries on the back side of her head, forehead etc. She was examined by the doctor at Civil Hospital, Dhadgaon and post mortem was conducted. Thereafter, report was lodged.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. There is no evidence against the applicant. The applicant is ready to abide all conditions. He lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and pointed out the statements of witnesses in which earlier to the incident the applicant is seen with the company of mother of the informant and the death is caused by committing rape upon her. Considering the serious nature of the crime of murder as well as rape on helpless women of 50 years old, who was suffering from mental illness, the application deserves to be rejected.

5. Perused the charge sheet, particularly the report, the statements of witnesses, post mortem report as well as details of CCTV footage. No doubt, in the details of the CCTV footage, it is mentioned that the applicant was in the CCTV footage which is adjacent to the spot of incident. However, there is no prima facie

evidence of showing distance between the spot of incident and that the place where the CCTV footage was installed. Considering all these aspects and facts and circumstances of the case, it would be proper to grant bail to the applicant on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 0175 of 2023 registered with Dhadgaon police station, District Nandurbar for the offences punishable under Sections 302, 376-D, 376 (2) (J) (L) r.w. 34 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 prosecution witnesses, in any manner.
 - b) The applicant shall not enter into village Khardi Tq. Dhadgaon, district Nandurbar till conclusion of trial.

(SANJAY A. DESHMUKH, J.)

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