



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 BAIL APPLICATION NO. 151 OF 2024

BHUSHAN @ BHURA POLICE GANESH PATIL

VERSUS

THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO. 408 OF 2024

SANJAY @ JAIRAM DHONDU KOLI

VERSUS

THE STATE OF MAHARASHTRA

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Advocates for Applicants : Mr. Harshal Prakash Randhir,
Mr. Abhaysinh K. Bhosle, respectively.

APP for Respondent-State : Ms. P. R. Bharaswadkar.

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CORAM : S. G. MEHARE, J.

DATE : 12.07.2024

PER COURT :-

1. Heard the respective learned counsels for the applicants and learned APP for the respondent-State.
2. The applicants seek bail in Crime No.124 of 2023, registered with Nashirabad Police Station, District Jalgaon, for the offences punishable under Sections 302, 201, 364 read with Section 34 of the IPC.
3. The prosecution case in brief is that in the afternoon, one of the co-accused Jairam Koli slapped the deceased. In the

evening, he and the applicant Bhushan @ Bhura took him on bike at around 8.30 to 8.45 p.m. One person witnessed the said incident. Thereafter, the deceased was missing. On the basis of last seen theory, the applicants were arrested. The investigation was done. However, nothing incriminating like use of weapon that may probably caused the injury to the deceased has been recovered. The body of the deceased was decomposed. In Post Mortem report, some injuries on head/skull were noticed. The viscera was preserved, but no final opinion has been expressed by the medical expert, except that there is no poisoning.

4. After hearing the respective learned counsels, it was clear that after last seen theory, no serious incriminating or corroborative evidence has been collected. The allegations of burning their clothes were levelled. That is also not the concrete evidence against the applicants. Considering the facts of the case and discussion made above, this Court is of the view that the applicants deserve bail. Hence, the following order :

ORDER

- (i) Bail Applications are allowed.

(ii) Applicant **BHUSHAN @ BHURA POLICE GANESH PATIL** in Bail Application No.151 of 2024 and Applicant **SANJAY @ JAIRAM DHONDU KOLI** in Bail Application No.408 of 2024 be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount, on the following conditions :

- (a) They shall not tamper with the prosecution witnesses.
- (b) They shall not pressurize the witnesses.
- (c) They shall attend the trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-