

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 445 OF 2024

Saddam Mustak Faruke

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Jadhav Satej S

APP for Respondent/State : Mrs. D.S. Jape

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CORAM : S.G. MEHARE, J.

DATED : JULY 31, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.307 of 2023 registered with Vivekanand Chowk Police Station, District Latur for the offence punishable under Sections 302, 452, 143, 144, 145, 147, 148, 149, 109, 114, 504 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.
3. Counsel for the applicant would submit that the deceased was killed in mob. However, the wife of the deceased has made false allegations against the applicant that she witnessed the incident from her house. However, it was not possible. Subsequently, she changed her version and stated that she was present on the spot of the incident. Belatedly, a knife has been recovered at the instance of the

applicant, but it was not blood stained. The applicant had been implicated falsely in the crime. He did commit no crime. There are no antecedents to his discredit.

4. Learned APP has tried to point out that the incident happened near the house of one witness who narrated the incident. The applicant has played active role. The weapon has been recovered at his instance. The offence is grave. Therefore, bail may not be granted.

5. Perused the papers. Admittedly, the incident happened near the house of one Chhabubai. Her statement does not disclose the name of any of the assailants. The deceased was killed in mob in night hours. Immediately after the incident, the police reached on the spot, but they find that the assailants fled away. Unfortunately, the accidental death was registered first and then the FIR was registered. As far as the statement of the wife of deceased is considered, there appears variance. In the circumstances, recovery of weapon may not be the only ground to reject the bail. Considering the material against the applicant, the Court is of the view that he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Saddam Mustak Faruke, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty

(3)

Thousand only) with one solvent surety of 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.

(S.G. MEHARE, J.)