

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 481 OF 2024

Deepak Dineshsinh Thakur

VERSUS

The State Of Maharashtra

...

Advocate for Applicant : Mr. Gangakhedkar Shailendra S

APP for Respondent/State : Ms. S.S. Joshi

...

CORAM : S.G. MEHARE, J.

DATED : JUNE 19, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.551 of 2023 registered with Nanded Rural Police Station, District Nanded for the offence punishable under Sections 302, 307, 449, 452 r/w 34 of the Indian Penal Code and Sections 4/25 and 4/27 of the Arms Act.
3. Learned counsel for the applicant reading the FIR has argued that as per the FIR, there were only three accused. The applicant was not named in the FIR. However, subsequently a story has been developed by way of supplementary statement and false allegations have been levelled against the applicant. Except the motorbike and blood stain free shirt, nothing has been recovered from the applicant. He was not the person participated in the crime. He

never facilitated the co-accused to commit the murder of Aniket. He would submit that the charge sheet has been filed. Nothing is to be recovered from the applicant. There are no antecedents to his discredit. Hence, he may be granted bail.

4. Learned APP has strongly opposed the application. She would argue that the supplementary statement of the first informant was recorded on the very same day. The first informant who was also the injured specifically attributed the role of the applicant. She would submit that the applicant facilitated the co-accused to commit the murder of deceased Aniket. There is no reason to disbelieve the supplementary statement at this juncture. She also argued that there were three eye witnesses. The offence is serious. Hence, he may not be granted bail.

5. Perused the papers. The FIR reveals that the injured who lodged the report was knowing well to the assailants. The FIR is against two unknown persons. However, suddenly in supplementary statement, the applicant has been named in the FIR. No incriminating evidence has been recovered from the applicant. He has a good case for bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(3)

- (ii) Applicant, Deepak Dineshsinh Thakur, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
 - (a) The applicant shall attend the trial on each and every date.
 - (b) The applicant shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)