



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 BAIL APPLICATION NO. 457 OF 2024

Sachin Govind Jadhav

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondent/State : Mr.Satish A. Goyanka

.....
AND

908 BAIL APPLICATION NO. 493 OF 2024

Dilipsingh Harisingh Pawar

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Ms. Lomte Ashwini Annasaheb
APP for Respondent/State : Mrs.Pratibha J. Bharad

CORAM : SANJAY A. DESHMUKH, J.
DATED : 5th APRIL, 2024.

PER COURT :-

1. The applicants in both these applications are seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicants have been arrested in connection with crime No.0159 of 2023 registered with Police Station Parali (Rural), Dist. Beed, for the offences punishable under sections 302, 201,

120-B read with 34 of the Indian Penal Code.

2. It is averred in the report that the informant is Police Hawaldar, who lodged the report informing that one dead body was lying near Ramnagar Tanda of Parali Vajjnath. Thereafter the investigation was started.

3. Applicant – Dilipsingh is not residing with his family and he is residing with mother of deceased Sachin. The quarrel used to took place between them frequently. Some times crimes were registered against each other. Counter reports were also registered. Deceased Sachin was also residing with them. When his lover Sneha tried to contact him, his phone was switched off. Therefore, she met with the mother of Sachin and thereafter missing report was given. Thereafter, it was revealed that Sachin is no more and he is murdered.

4. The learned advocates for the applicants submitted that this case is based on circumstantial evidence. There are multiple injuries and postmortem burn injuries also. The applicants are falsely implicated in the crime. They have roots in the society. They will not flee away from the trial. Trial will take long period. They lastly prayed to allow the applications.

5. The learned APP for the respondent-State, in both the cases, strongly opposed the applications and submitted that Sachin Jadhav is traced out in the CCTV footage while purchasing diesel

and applicant – Dilipsingh was driving that car. The call details are pointed out to show that applicant Dilipsingh and Sachin were in contact before the incident on the same day. There is recovery of dragger.

6. The motive is also reflected from the statement of mother of Sachin and his lover. Dilipsingh has criminal antecedents and 12 crimes are registered against him. Considering all these aspects, it is lastly prayed to reject the applications.

7. Perused the charge-sheet, particularly the statements of the witnesses and the call details as well as the postmortem report. The statements of the witnesses show that there was motive, however, there is no direct evidence against the applicants. The dragger used for commission of crime is seized from Dilipsingh. Alleged Car is also seized. The custody of the applicants is not further necessary. Therefore, without adverting into the merits of the case and the fact that trial will take long period, the applicants have roots in the society, the applicants will not flee away from the trial, the applications deserve to be allowed on the principle that bail is rule and jail is exception, on some stringent conditions. Hence, the following order.

O R D E R

I. Applications are allowed.

II. The applicants, in both the applications, in connection with crime No.0159 of 2023 registered with Police Station Parali (Rural), Dist. Beed, for the offences punishable under sections 302, 201, 120-B, 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with one surety of the like amount by each of them on following conditions:-

- a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- b) The applicants shall not enter in Nanded district till the conclusion of the trial.

III. If any breach of the above condition is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to these applicants without further reference to this Court.

(SANJAY A. DESHMUKH, J.)

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