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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 BAIL APPLICATION NO. 559 OF 2024

ABHIMANYU @ BALU ARJUN THOSAR

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. R. C. Hange, Advocate for the applicant

Mr. R. D. Raut, APP for the respondents/State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 08th MAY, 2024

P. C.

1. This is an application for granting regular bail under Section 439 of the Code of Criminal Procedure Code. Accused is arrested in Crime No. 196 of 2023 registered at Patoda Police Station, Beed for the offences punishable under Sections 302, 364, 201 read with Section 34 of the Indian Penal Code.

2. It is averred in the report that the Jagannath was getting monthly monetary benefits of Rs. 1000/- per month from the State Government under the scheme of Shrawanbal. The

applicant and co-accused are the local politician. They might have been cancelled that scheme. The applicant and co-accused are responsible for cancellation of monetary benefits. It is averred in the report that applicant and co-accused took Jagannath to the Narayangad, Tahasil, where they beaten him by fist and kicks blows. Thereafter, Jagannath only was left there. He found died in the village.

3. Learned advocate for the applicant submits that main accused Santosh has assaulted Jagannath. It can be seen that applicant has not assaulted him. There was no intention to kill on the part of the applicant. The applicant has roots in the society. The applicant has no criminal antecedents. The trial will take long period. Therefore, learned advocate for the applicant lastly prayed to allow the application.

4. Learned APP has strongly opposed the application and submits that applicant was standing when co-accused Santosh was assaulting by fists and kicks blows. His role is

specified that he alongwith Santosh participated in the crime. Therefore, learned APP lastly prayed to reject the application.

5. Perused the charge-sheet particularly report and statements of witnesses. While watching CCTV footage displayed before this court, it appears that co-accused Santosh had frequently beaten the Jagannath by kick and fist blows. In the said CCTV footage it shows that applicant was standing near. However, he did not participate in the crime. Apart from merits the applicant has no criminal antecedents. The charge-sheet is filed. The applicant has roots in the society. The application, therefore, deserves to be allowed on the principle that bail is rule and jail is exception. Hence, the following order:-

ORDER

- a] Bail application is allowed.
- b] Applicant in connection with Crime No. 196 of 2023 registered at Patoda Police Station, Beed for the offences punishable under Sections 302, 364,

201 read with Section 34 of the Indian Penal Code be released on bail on furnishing personal bond of Rs.25,000/- [Rupees Twenty Five Thousand only] with one surety of the like amount on following conditions:-

- i) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
- ii) Applicant shall not enter into the village Ukhanda, Tq. Patoda, Dist. Beed for six months from today.
- iii) If any breach is committed by applicant, the prosecution/informant is at liberty to proceed further for cancellation of bail before trial court.
- iv) The learned trial court is at liberty to decide the application for cancellation of bail on merits without reference to this

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court.

v) Applicant shall not indulge in such type of criminal activities henceforth.

vi) If applicant is involved in such a nature of crime again, the prosecution /informant is at liberty to pray for cancellation of bail before the trial court.

6. Two pen-drives are placed in the open court and same is handed over to the concerned Constable Mr. S. S. Tawle (BC-517/Beed).

[SANJAY A. DESHMUKH, J.]

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