



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

6 BAIL APPLICATION NO. 651 OF 2024

ROHIT RAGHUNATH POPALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 06th May, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.88 of 2022, registered with Gategaon Police Station, District Latur, for the offences punishable punishable under Sections 302 and 201 read with 34 of the Indian Penal Code.

3 It is averred in the report that Akash, son of deceased (Nagnath) has hatched conspiracy with this applicant and gave contract of killing his father for Rs.20,000/-. His father was addicted to liquor, therefore, the entire family was suffering by his habit of consumption of liquor. Therefore, the applicant and co-accused, son of Nagnath, are arrested.

4 The learned counsel for applicant submitted that there is no eye-witness to the incident. The applicant has no criminal antecedents. The investigation is over. The applicant has roots in the society. The trial will take a long period. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime. There is evidence of seizure of sickle at the instance of this applicant under Section 27 of the Indian Evidence Act. He pointed out the statement of daughter of Nagnath, who stated that Nagnath was addicted to liquor and his son was having motive to kill him. Nagnath used to assault him and his mother. Therefore, he has hatched conspiracy to kill him. Considering the nature of crime, it is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the seizure *Panchanama* of sickle.

7 Except the seizure *Panchanama* of sickle, there is no any independent evidence to infer the involvement of this applicant. The applicant has roots in the society. He will not flee away from the trial. The trial will take a long period. Considering the fact that applicant's

custody is not necessary, the application deserves to be allowed on the principle that bail is rule and jail is exception on certain conditions.

Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.88 of 2022, registered with Gategaon Police Station, District Latur, for the offences punishable under Sections 302 and 201 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]

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