

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 865 OF 2024

Rishu Hiralal Yadav

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Tolani Ajay Jawaherlal

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

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CORAM : S.G. MEHARE, J.

DATED : JUNE 12, 2024

PER COURT:-

1. Learned counsel for the applicant wants to place on record certain documents of the charge sheet which were not initially attached. It be taken on record.
2. Heard learned counsel for the applicant and learned APP for the State.
3. The applicant seeks bail in Crime No.766 of 2022 registered with Parner Police Station, District Ahmednagar for the offence punishable under Sections 302, 307, 394, 397, 341 r/w 34 of the Indian Penal Code and Sections 3, 25 and 27 of the Arms Act.
4. It is a case of shot death. The incident happened in the lonely road. However, the police recorded the statement of the deceased before death. His statement reveals that on the day of the incident, the applicant was seen present in front of the car of the

deceased. He dropped two co-accused who have allegedly opened the fire against the deceased. No weapon has been recovered from him. The facts of the case reveal that the deceased was knowing the applicant and other co-accused since they were working with him as tiles fixer.

5. Learned counsel for the applicant would submit that the police shown the photographs of two persons on whatsapp who had shot fire at the deceased but he did not tell their names. There is no consistency about the identification of the actual assault. He also argued that while recording the statement of the deceased on video, he did not disclose the name of the applicant.

6. The statement as to the cause of death of the deceased reveals that the applicant dropped other two co-accused in front of his car and left.

7. Learned APP is right in arguing that it was not a simple interception. It is a case of knowledge of committing the crime to the applicant. In ordinary course, the applicant has no reason to drop two co-accused who fired the gun shot at the deceased. Dropping of the co-accused at the lonely road by the applicant is not a general act because immediately after dropping them, they shot fire the deceased. In these circumstances, though there is no recovery from the applicant it appears that he facilitated other co-accused to commit the

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crime. Hence, he does not deserve bail. Hence, the application stands dismissed.

(S.G. MEHARE, J.)