



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

BAIL APPLICATION NO. 924 OF 2024

WADHARSING SHOBHARAM BARELA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. D. D. Choudhari
APP for Respondent : Ms. D. S. Jape

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CORAM : S. G. MEHARE, J.

DATE : 16-07-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.755 of 2023 registered with M.I.D.C. Police Station, Jalgaon, District Jalgaon, for the offences punishable under Sections 302 and 392 of the Indian Penal Code.
3. The applicant seeks bail on the ground that the transcription of the C.C.T.V. footage has not been produced. The applicant has been falsely implicated in the crime. There are no reasons to involve the applicant in the crime. The statements of the witnesses do not support the prosecution. There are discrepancies in the statements of the witnesses. The diesel purchase receipt stood in the name of co-accused No.1. Considering the material against him, it would be difficult to believe that the applicant played a role in the crime. He referred to the chargesheet.

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4. Learned A.P.P. submits that the police have collected C.C.T.V. footage of the petrol pump. A person is seen purchasing diesel. A receipt of the diesel in the name of accused was recovered at his instance. His blood-stained clothes have also been recovered. In the circumstances, failure to conduct a test identification parade would not be considered grounds for bail. The offence is serious. There are great chances of his absconding. Hence, he may not be granted bail.

5. Learned counsel for the applicant is right in saying that the test identification parade has not been conducted. The applicant has not been identified. However, C.C.T.V. footage of the petrol pump was examined. and its transcription is placed on record. It shows that one person came to the petrol pump with a plastic can, purchased diesel and obtained a receipt. The said receipt for diesel has been recovered from the custody of the applicant. Unless he was there, he has no reason to have a receipt in the name of the co-accused with him. It was an odd hour when the diesel was purchased. That apart, the blood-stained clothes have also been recovered from him. At this juncture, the Court is of the view that *prima facie* evidence is against the applicant to show his involvement in the crime. The offence is serious. An innocent has lost his life. Therefore, the applicant has no case for bail.

6. Bail application stands dismissed.

(S. G. MEHARE, J.)