



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

937 BAIL APPLICATION NO.970 OF 2024

Shrikant Raosaheb Suryawanshi,
Age-20 years, Occu:Agril.,
R/o-Kadgaon Shivar, Taluka-Pathardi,
District-Ahmednagar.

...APPLICANT

VERSUS

The State of Maharashtra,
Through: In-charge Police Inspector,
Pathardi Police Station,
Taluka-Pathardi, District-Ahmednagar.

...RESPONDENT

...
Mr. V.D. Sapkal, Senior Advocate i/b. Mr. S.R. Sapkal Advocate
for Applicant.
Mr. S.B. Narwade, A.P.P. for Respondent – State.

...

AND

BAIL APPLICATION NO.776 OF 2024

Ashok S/o Sanjay Gite,
Age-23 years, Occu:Agricultural & Labour
work, R/o-Kadgaon Shivar, Taluka-Pathardi,
District-Ahmednagar.

...APPLICANT

VERSUS

The State of Maharashtra,
Through its Investigation Officer,
Pathardi Police Station,
Taluka-Pathardi, District-Ahmednagar.

...RESPONDENT

...
Mr. Narayan B. Narwade Advocate for Applicant.
Mr. S.B. Narwade, A.P.P. for Respondent – State.
...

CORAM: S.G. MEHARE, J.

DATE : 2nd JULY 2024

ORDER :

1. Heard learned counsel for the applicants in both Applications and learned APP for the State.
2. Leave granted to the learned counsel for the applicant in Bail Application No.776 of 2024 to correct the sections of the crime. Corrections be carried out immediately.
3. The applicants seek bail in Crime No. 1148 of 2023 registered with Police Station, Pathardi District- Ahmednagar for the offence punishable under Sections 302, 460 read with Section 34 of the Indian Penal Code.
4. The report was lodged against the unknown persons. The deceased was killed in the field by smothering. During investigation stolen cotton bags were found in the nearby field where the deceased was found dead. Subsequent thereto, the

prosecution has collected the CDR report of accused and found that on that day they were in the village. The defence has a case that since they reside in the same village, they must be located in the village. That does not mean that they have hatched conspiracy and murdered the deceased for stealing the cotton from his field. Except CDR report, there is no other circumstantial evidence against the applicants. The stolen cotton bags were recovered from the field of another person. These are the only circumstances against them.

5. In view of the above, the Court is of the view that detention of the applicants would serve no purpose. Hence the order:-

ORDER

(I) Both the Bail Applications stand allowed.

(I) The applicants – Shrikant Raosaheb Suryawanshi (applicant in Bail Application No.970 of 2024) and Ashok S/o Sanjay Gite (applicant in Bail Application No.776 of 2024) be released on bail on furnishing P.B. and S.B. of Rs.50,000/-

(Rupees Fifty Thousand only) each, with one solvent surety of the like amount each, in the above crime, on the condition that:-

(a) The applicants shall not tamper with the prosecution witnesses.

(b) The applicants shall attend the trial on each and every effective date.

[S.G. MEHARE, J.]

asb/JULY24