

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 995 OF 2024

Akshay Prakash Sakat

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Ghanekar Nilesh S.

APP for Respondent/State : Mr. S.M. Ganachari

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CORAM : S.G. MEHARE, J.

DATED : JULY 23, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant seeks bail in Crime No.1103 of 2023 registered with MIDC Police Station, District Ahmednagar for the offences punishable under Sections 302, 397, 201, 212 r/w 34 of the Indian Penal Code.

3. The prosecution has a case that the applicant and co-accused lifted the deceased on their motorbike and then on the next day, the deceased was found dead. The owner of the betel nut shop is the person who had lastly seen the deceased and the accused together. The stick allegedly used in the crime for killing the deceased has been recovered at the instance of the applicant. The blood

stained clothes have also been recovered. The applicant has antecedents of similar crimes.

4. Learned counsel for the applicant would submit that the applicant has been implicated in the crime on the basis that he has a past history. The so-called mobile for which the deceased was killed, is yet not recovered. The blood stained clothes were recovered on the third day of the arrest. It raises a serious doubt about the blood stains on the clothes of the applicant. There is no explanation from the witness who saw the applicant lastly how he was knowing them. The material against the applicant is not sufficient to keep him behind bar.

5. Learned APP would submit that sufficient evidence is collected against the applicant. He has a past history of similar crime. There is no reason to disbelieve the last seen witness. Incriminating evidence is collected against the applicant. Considering the past of the applicant, it would not be safe for the society to release him on bail. Earlier, he is not involved in similar crime and now, he went on committing the murder.

6. Perused the papers. The evidence of last seen witness appears natural. After the arrest, the weapon used in the crime has been recovered. Serious injuries were caused to the deceased. No recovery of the mobile handset would not grant the benefit to the

applicant at this juncture. There is a prima facie material against the applicant to believe that he was involved in the crime. Considering his past, it would be unsafe to release him on bail. Hence, the application stands dismissed.

(S.G. MEHARE, J.)