



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 BAIL APPLICATION NO. 1067 OF 2024

RAJU MUSTAK PATHAN @ TEMPYA @ R. K.
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Malpani Mohit Rajendra.
APP for Respondent-State : Ms. V. S. Choudhari.
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CORAM : S. G. MEHARE, J.
DATE : 07.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.210 of 2023, registered with Vaijapur Police Station, District Aurangabad, for the offence punishable under Section 302 read with Section 34 of the IPC.
3. The learned counsel for the applicant submits that only on the basis of the earlier quarrel, the applicant has been falsely implicated in the crime. The so called witnesses have stated belatedly. So, there is a great possibility of planting the false witnesses. The applicant was arrested two days later. Even then, the police found blood stains on his clothes. The

prosecution story is unbelievable. C. A. report reveals that the blood group on the clothes are inconclusive. The statement of any witness does not inspire the confidence. The investigation has been completed. Hence, he may be granted bail.

4. Learned APP has strongly opposed the application. She would submit that the Investigating Officer has collected the sufficient evidence to establish the involvement of applicant in the crime. The applicant was arrested two days after the incident. His clothes seized from his person were having blood stained. The C. A. report supports that blood on the clothes that it was a human blood. The strong circumstance against the applicant was of earlier quarrel in the incident. The offence is serious. Hence, he may not be granted bail.

5. It seems that the argument of the learned counsel for the applicant appears probable that no accused would keep the blood stained clothes wearing. It is the tendency of the accused to hide the evidence first. The blood group is also inconclusive. Recording the belated statement of the eye-witnesses may raise suspicion. Considering the material against the applicant, the prosecution has the only case of previous quarrel on the day of the incident. After having regard to the papers placed before the Court, the Court is of the view that

this is a fit case to exercise the discretion under Section 439 of the Cr.P.C. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **RAJU MUSTAK PATHAN @ TEMPYA @ R. K.** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) He should not tamper with the prosecution witnesses.
 - (b) He should stay away from village Bhanwadi, Lasur Station for two months from the date of his release.
 - (c) He should attend the trial on each and every date.

(S. G. MEHARE, J.)

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vmk/-