

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1079 OF 2024

Datta @ Dattatray Ramchandra Maind

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Hange Rajendra G.

APP for Respondent/State : Mr. D.J. Patil

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CORAM : S.G. MEHARE, J.

DATED : JULY 11, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.37 of 2024 registered with Yusuf Wadgaon Police Station, District Beed for the offence punishable under Sections 302 r/w 34 of the Indian Penal Code.
3. The allegations were levelled against the applicant that he along with others took the deceased for settling the accounts. However, he did not returned. Hence, the first informant sent someone to make an inquiry. She learnt that the deceased was not at the house of one of the co-accused. Her father received a phone call that the deceased met with a vehicular accident and he was taken to the hospital and lastly he died on 03.04.2020.

4. Learned counsel for the applicant would submit that the injuries suffered to the deceased were possible only in a vehicular accident. The investigation was done correctly but since the matter went upto the Hon'ble Apex Court, the FIR has been registered. Weapons were not used in the crime. It was barely a vehicular accident. One of the eyewitness supports the case of vehicular accident. However, another witnesses probably planted are stating against the applicant. There are two contradictory statements of the witnesses and initially the correct investigation was done. In the circumstances, the applicant deserve bail.

5. Learned APP opposed the application. He would submit that there is eyewitness to the incident. The applicant has played an active role in assaulting the deceased.

6. Perused the papers. This crime has a checkered history. Initially, the incident was registered as a vehicular accident. Then by the order of the Hon'ble Apex Court, a crime has been registered against the applicant for the offence punishable under Section 302 r/w 34 of the Indian Penal Code. There are two contradictory witnesses telling different stories. The applicant is languishing in jail for sufficient time. Nothing is to be recovered from him. Hence, he deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

- (ii) Applicant, Datta @ Dattatray Ramchandra Maind, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the condition that the applicant shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)