



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

929 CRIMINAL APPEAL NO. 630 OF 2024

SACHIN RAJENDRA AATHRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Appellant : Mr. Chatterji Joydeep
APP for Respondent/State : Mr.C.V. Bhadane
Advocate for Respondent no.3 : Ms. Sonali S. Veer (appointed)

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 20th August, 2024.

P.C.:

1. This appeal is preferred against the order dated 6th July, 2024 passed by the learned Additional Sessions Judge, Ahmednagar in Criminal Bail Application No.815 of 2024 filed in pursuance of the F.I.R. No.0486 of 2024 registered with Pathardi Police Station, Dist.Ahmednagar, for the offences punishable under sections 302, 201 read with 34 of the Indian Penal Code (For short, "IPC") and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is prosecution's case that on 4th May, 2024 around 8:40 a.m., informant came to know that his brother was lying in injured condition. When informant reached at the spot, he found that his brother was lying on the ground in injured condition and he was seriously injured. He was dead, hence the complaint was filed against the unknown persons for murder of brother of informant. In investigation, the Police

have arrested the appellant along with co-accused for murder of the deceased. The allegations against the appellant are that he burnt his own clothes, which he had worn at the time of incident.

3. It is contention of the learned counsel for the appellant that the appellant has been falsely implicated in this case. The weapon i.e. axe used in the crime is recovered at the instance of accused no.1. The allegations against the appellant are that he burnt his shirt used in the crime, except this there are no allegations against the appellant. The learned counsel further submitted that the appellant is behind bar for more than three months. Investigation is completed. The charge-sheet has been filed. The appellant is student. He is Karta of his family. It may take time to conclude the trial and requested to allow the appeal.

4. It is contention of the learned APP along with the learned counsel for respondent no.2 that the appellant conspired with accused no.1 to kill the brother of the informant. Accordingly, they both killed the brother of the informant. The injuries found on the body of brother of the informant shows that he was brutally murdered. The appellant burnt the shirt which he had worn at the time of incident. It shows his involvement in the crime. If the appellant is released on bail, he may threaten the prosecution witnesses and requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused charge-sheet produced on record and the impugned order passed by Special Court.

6. The allegations against the appellant are that in conspiracy with accused no.1 the appellant murdered the deceased. Initially, the F.I.R. was lodged against the unknown persons. After arrest of the appellant, nothing has been recovered at the instance of the appellant. It is alleged that the appellant had burnt his shirt allegedly worn at the time of incident. The weapon used in the crime is recovered at the instance of accused no.1 Amol. The appellant is behind bar more than three months. He is student. He is Karta of his family. It may take time to conclude the trial. Considering these facts, his further detention is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 6th July, 2024 passed by the learned Additional Sessions Judge, Ahmednagar in Criminal Bail Application No.815 of 2024 is quashed and set aside.
- (iii) The appellant in connection with the F.I.R. No.0486 of 2024 registered with Pathardi Police Station, Dist.Ahmednagar, for the offences punishable under sections 302, 201 read with 34 of the Indian Penal Code and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-

(a) the appellant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence.

(iv) Fees of Rs.10,000/- be paid to Ms. Sonali S. Veer, the learned counsel appointed to represent the cause of respondent no.3 through the High Court Legal Services Sub-Committee, Aurangabad.

[SHIVKUMAR DIGE, J.]

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