



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1293 OF 2024

Digambar Prakash Sabane
VERSUS
The State Of Maharashtra And Another

Mr. Sachin S. Deshmukh h/f N. S. Shinde a/w Mr. Y. G. Birajdar,
Advocate for the applicant
Mr. A. S. Shinde, APP for the respondent/State

CORAM : S. G. MEHARE, J.
DATE : 19th AUGUST, 2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned A.P.P. for the respondent/State.
2. The applicant seeks bail in C.R. No.0261/2024 registered with Vivekanand Chowk Police Station, District Latur for the offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.
3. The prosecution has a case that the deceased was a night watchman on one lodge. He had raised Rs.60,000/- from his master. The applicant was the Manager of that lodge. It has been alleged against him that he was going to pick up the deceased. On 04/04/2024, his son the deceased left the home

and made a phone call to him that he want Rs.2000/- for installment of the mobile. He made phone call to one Karuna Satambe. She told that she would ask her niece to pay him money. Accordingly he paid him Rs.2000/-. Since then he disappeared. The applicant has been roped in the crime on the basis of CCTV footage of 3.25 p.m., purchasing the petrol in a can. The another evidence was that at the relevant time the applicant was seen near the spot of the incident.

4. On the basis of the investigation the learned counsel for the applicant submits that the evidence collected against of the applicant is not sufficient and does not prove the guilt of the applicant. the crime. On the contrary his father was saying that the deceased was addicted to bad voices. However, he was asked to do the night duties only. The applicant has no reason to kill him. There is nothing to be recovered from him. Purchasing the petrol in a can is not sufficient to believe that he burnt the deceased. No residuals of petrol were detected on the clothes or the person of the deceased. He has been falsely implicated in the crime only to show that the crime is quickly detected. Hence, he may be granted the bail.

5. The learned APP has strongly relied on the CCTC footage capturing the applicant purchasing the petrol in a can and his presence nearby the spot of the incident. He submits that the offence is grave. Hence, bail may not be granted.

6. Perusal of the report shows that the deceased left the home at about 8 p.m. His father received message that the deceased was lying burnt to the backside of the LIC colony. He went there and saw the deceased was burnt half. Police were also present there. He alleged that the deceased owed Rs.60000/- towards his master and the applicant was asking to repay the amount. The evidence as discussed above collected against the applicant appears balancing to believe at this juncture that the applicant was the author of the crime. There was confusion about the timings of the death of deceased. There are no antecedents to his discredit. There is substance in the submission of the learned counsel for the applicant that the deceased was addicted to bad voices. Therefore, someone might have killed him. The investigation has been completed. Nothing is to be recovered from the applicant. Hence, the order.

ORDER

i) The application is allowed.

ii) Applicant – Digamabar Prakash Sabane be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,

(a) He should not tamper with the prosecution witnesses.

(b) He should attend the trial on each and every date.

[S. G. MEHARE, J.]

ssp