

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1405 OF 2024
WITH
CRIMINAL APPLICATION NO. 3677 OF 2024
IN BA/1405/2024

Pawan Prakash Misal

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Bhide Vinod Y.

APP for Respondent/State : Mr. A.S. Shinde

Advocate for Complainant : Mr. V.S. Wakale

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 02, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
2. The applicants seek bail in Crime No.152 of 2024 registered with MIDC CIDCO Police Station, District Aurangabad for the offences punishable under Sections 302, 323, 324 r/w 34 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.
3. The incident happened in the hotel. The co-accused and the deceased had a quarrel. One of the co-accused assaulted the deceased with the liquor bottle. The CCTV footage collected shows that the applicant and a child in conflict with law came together. A child in conflict with law assaulted the deceased with a knife and then

both were seen fleeing away together from the spot of the incident. In the CCTV footage of the incident, the applicant was barely seen standing there. However, one of the eyewitnesses stated that the applicant also beat the deceased.

4. Learned counsel for the applicant would submit that the applicant did not attribute any specific role except his presence there. He did not know the deceased. There are no antecedents to his discredit. Probably, the applicant might have fled away from the spot after seeing the incident. Coincidentally, the main assailant juvenile was seen running with the applicant. He may be granted bail.

5. Learned APP and particularly counsel for the complainant have argued that the applicant had deliberately brought the juvenile conflict with law with deadly weapon. He never controlled the juvenile while assaulting. The eyewitnesses are stating against him. He would submit that the screen of the CCTV footage was broken by pelting stones. This was a premeditated act. The applicant got murdered the deceased with the help of a child in conflict with law to save him from the allegations. The offence is serious. Hence, he may not be granted bail.

6. The evidence discussed above reveal that the applicant was present there. He came with a child in conflict with law. The CCTV footage does not capture the role attributed to him. The material incident was captured in the CCTV footage. No incriminating

material was recovered at his instance. He has no bad past. It would be a matter of evidence whether the applicant deliberately got the deceased killed with the help of a child in conflict with law. Considering the facts and material collected against the applicant in toto, the Court is of the view that no purpose would be served in keeping the applicant behind bar. Hence, he deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Pawan Prakash Misal, 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 conditions that;
 - (a) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every date.
 - (b) The applicant should not contact the juvenile or other co-accused till the trial is concluded except for attending the trial.
- (iii) Criminal Application No.3677 of 2024 stands disposed of.

(S.G. MEHARE, J.)