

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1433 OF 2024

Kisan Sardar Sawant

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Temkar Rajendra K.

APP for Respondent/State : Mr. S.P. Sonpawale

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 02, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.267 of 2024 registered with Sangamner City Police Station, District Ahmednagar for the offence punishable under Sections 302, 201, 120(B) r/w 34 of the Indian Penal Code.
3. The deceased was the cousin brother of the applicant. It has been alleged that the co-accused were lastly seen in the company of the deceased. They returned home but the deceased did not return. Therefore, the wife of the deceased asked his whereabouts. They replied evasively. Then the incident came to the light. The applicant has been arraigned as an accused on the ground that the deceased had old quarrel with him in which his teeth were broken.

4. Learned counsel for the applicant would submit that the suspicion raised about the quarrel is remote in time. The arrest panchnama reveals that the tooth of the applicant were intact. Hence, it falsifies the allegations. The CDR placed on record today reveals that it was a general communication. Other co-accused and deceased are relatives of each other. The said evidence is not sufficient to believe the story of the prosecution. Hence, he may be granted bail.

5. The learned APP has strongly opposed the application. He has reiterated the prosecution's case as discussed above and stressed on the CDR report to convince the Court that before and after the incident, all the accused had telephonic conversations. The offence is serious. The applicant was the instrumental to cause the death of the deceased. He had enmity with the deceased. He prayed to dismiss the application.

6. Perused the papers. The allegations of quarrel with the deceased was remote in time. The arrest panchnama reveals that his teeth were intact. Nowadays, telephonic conversations between the relatives and friends for a longer time is too common. Only on the basis of such communication and in the absence of any incriminating evidence against the applicant, it would be unjustifiable to keep the applicant behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(3)

(ii) Applicant, Kisan Sardar Sawant, 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 he shall not tamper with the prosecution witnesses and should attend the trial on each and every date.

(S.G. MEHARE, J.)