



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

943 BAIL APPLICATION NO. 1451 OF 2024

BHIKAN SUDAM KHAIRNAR  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Patil Prafullasing H.  
APP for Respondent-State : Mrs. M. N. Ghanekar.  
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CORAM : S. G. MEHARE, J.  
DATE : 29.08.2024

**PER COURT :-**

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.231 of 2024, registered with Mohadi Nagar Police Station, District Dhule, for the offences punishable under Sections 109, 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita.
3. The incident happened during the *Moharam*. It has been alleged in the FIR that two unknown persons went to the injured and the first informant. One of them, assaulted the first informant holding his collar and abused him. The another unknown person stabbed the deceased. Test identification parade of the applicant is yet to hold.

4. Learned APP would submit that she has instructions from the Investigating Officer that the applicant has facilitated the co-accused to stab the deceased. The applicant hold the deceased and the co-accused stabbed him. However, the FIR is totally silent about such allegations. It has been stated in FIR that one person named Mama was there and the applicant is that Mama. So far as the role attributed to the applicant in FIR is concerned, is the assailants directed the applicant that the injured and deceased were those boys who were shouting. Except this, there are no allegations against them. No weapon is recovered from the applicant though he is languishing in jail since 15.07.2024. Considering the material before the Court and alleged role attributed to the applicant, there is no reason to decline the bail. Hence, the following order :

### **ORDER**

- (i) Bail Application is allowed.
- (ii) Applicant **BHIKAN SUDAM KHAIRNAR** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :

- (a) The applicant should attend the Test Identification parade if held by the Investigating Officer in time.
- (b) He should attend the Police Station as and when called by Investigating Officer for investigation till the charge sheet is filed.

**(S. G. MEHARE, J.)**

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vmk/-