



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

28 BAIL APPLICATION NO.1361 OF 2024
WITH CRIMINAL APPLICATION NO. 3469 OF 2024 IN
BA/1361/2024

RUPCHAND LAXMAN WAGHCHAURE
VERSUS
THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO. 1360 OF 2024
WITH CRIMINAL APPLICATION NO. 3468 OF 2024
IN BA/1360/2024

SANDEEP ABASAHEB BARDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocates for Applicants : Mr. Ghanekar Nilesh S., Mr. Nagesh
Janardhan Sonune, respectively.

APP for Respondent-State : Mr. S. B. Pulkundwar.
Advocate for Informant to assist APP : Mr. A. K. Bhosle.

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CORAM : S. G. MEHARE, J.
DATE : 09.09.2024

PER COURT :-

1. Heard the learned counsels for the applicants, learned
APP for the respondent-State and learned counsel for the
informant.

2. The applicant seeks bail in Crime No.94 of 2024,
registered with Waluj Police Station, District Aurangabad, for

the offences punishable under Sections 302, 307, 120-B read with Section 34 of the IPC.

3. The prosecution has a case that on the day of the incident, the deceased and the informant were returning from Mukteshwar to their home Ozar. When they were near Rashtramata School, on Shendurwada to Sawkheda road, a Bolero Jeep came from behind and dashed them. Hence, they fell in a drain (*nali*). The said Bolero again came from opposite and run over the head of the deceased Pawan. After running it over the deceased, Sachin dashed it against the tree. Three person sitting in the Bolero came down and few persons came from bike and took them away. The prosecution had a case against the applicant that applicant Rupchand's daughter married to their close relative. They had supported to their marriage. Therefore, they had given dash. The applicant was captured in CCTV footage. Immediately after the incident, they were found at Sai Sanket Hotel. Then they again found in State Bank of India, Bidkin with other co-accused. The applicant Rupchand was the master mind behind the offence and applicant Sandeep was doing recky. All the accused were in continuous in contact from a day before the incident and thereafter. Therefore, the applicants have played an active role.

4. Learned respective counsels for the applicants would submit that applicant Rupchand was not identifiable in the so called CCTV footage. At the relevant time he was in the State Bank of India, Bidkin Branch. To support his contention, he has produced the copies of cheques and withdrawal slips of State Bank of India. He has also applied to the State Bank of India to provide the CCTV footage, but it was not supplied. He was requested to preserve that CCTV footage. The applicants have no grievance over the marriage of her daughter with Vishal, who was the niece of the applicant Sandeep. After performing their marriage, the matter was discussed and the marriage was performed by inviting relatives and friends. The marriage was performed a year before the incident. However, under the misconception of facts, the applicants have been arraigned as accused, because they were the mediators in the marriage. Hence, they seek bail.

5. Learned APP for the respondent-State and the learned counsel for the victim states that CDR report clearly indicates that they were continuous in contact. They had no reason to be in the contact on a particular date though they were the relatives. In CCTV footage at Sai Sanket Hotel, the applicant Rupchand has been identified. He was again found present

with the main assailants at Bidkin. They were asking for the help to the people for taking them to Aurangabad for medical treatment. The applicants have played active role and they are the master minds behind the crime. Hence, they may not be granted bail.

6. The CCTV footage of Sai Sanket Hotel has been played in the Court. The applicant Rupchand has been allegedly captured but at this juncture it is not possible to identify that the said person was the applicant Rupchand. The applicants have the positive case that after the incident, they had been to Bidkin at State Bank of India. The applicant Rupchand has a stand that at the time of the alleged incident, he was at Bidkin in State Bank of India. Against Sandeep the only evidence is CDR. The evidence collected against the applicant *prima facie* appears remote. They were not seen directly involved in the crime. Therefore, they have a good case for bail. Hence, the following order :

ORDER

- (i) Bail Applications are allowed.
- (ii) Applicant **RUPCHAND LAXMAN WAGHCHAURE** in Bail Application No.1361 of 2024 and applicant

SANDEEP ABASAHEB BARDE in Bail Application No.1360 of 2024 be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount each, on the following conditions :

- (a) The applicants should not tamper with the prosecution witnesses.
- (b) They should attend the trial on each and every effective dates.
- (c) They should not contact Vishal Nawale and his wife Vaishnavi who is the daughter of applicant Rupchand till the conclusion of the trial.
- (d) They should not contact the first informant and other witnesses till the conclusion of the trial.
- (e) Criminal Applications to assist APP stand disposed of.

(S. G. MEHARE, J.)

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vmk/-