



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 BAIL APPLICATION NO. 1505 OF 2024

VISHAL PRAKASH DABHADE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle.

APP for Respondent/s-State : Ms. V. S. Choudhari.

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CORAM : S. G. MEHARE, J.

DATE : 27.09.2024

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.212 of 2024, registered with Jawahar Nagar Police Station, District Aurangabad, for the offences punishable under Sections 3(5), 109 of the B.N.S., 2023.
3. The allegations in the FIR were that on the day of incident, one co-accused Lakhan Jadhav stabbed the injured at four places and two were unidentifiable. However, their description was given. The first informant, who was the injured stated that the unknown persons shown to him would not be identified.

4. Learned counsel for the applicant submits that there is no substantial evidence against the applicant. The clothes were recovered from the applicant without following due procedure of law. The test identification parade is held. However, to his information he was not identified. There are no antecedents to his discredit. Hence, he may be granted bail.

5. Learned APP has strongly opposed the application. She would submit that recovery of the clothes stained with blood described in the FIR is a strong circumstances against the applicant. He has not been identified in test identification parade. Beside the clothes, the weapon used in the crime without blood stain is also recovered from the applicant. The offence is serious. The investigation is in progress. Hence, he may not be granted bail.

6. Though there are two circumstances of recovery of clothes and weapon at the hands of the applicant, the injured could not identify the applicant. The clothes and weapon recovered at the instance of applicant were not blood stained. The so called recovery has been done and nothing is to be recovered from the applicant. Hence, it could be safely said that material investigation against the applicant has been completed. He has no antecedents to his discredit. Therefore,

this Court is of the view that his detention would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **VISHAL PRAKASH DABHADE** be released on bail on furnishing PB. 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 not tamper with the prosecution witnesses.
 - (b) He should attend the Police Station as and when called by the Investigating Officer on written notice till filing charge sheet.

(S. G. MEHARE, J.)

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vmk/-