



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 1511 OF 2024

RAHUL @ BALYA KISAN SALVE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gore Ravindra Vitthal.
APP for Respondent/s-State : Mr. S. B. Pulkundwar.

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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.35 of 2024, registered with Kranti Chowk Police Station, District Aurangabad, for the offences punishable under Sections 364, 302, 201 read with Section 34 of the IPC.
3. A missing report was lodged and the applicant showed the dead body. The DNA test was negative. However, the applicant is languishing in jail on the basis of his extra judicial confession.
4. Learned counsel for the applicant submits that the corpus is yet not recovered. The extra judicial confession has

no substantial evidential value. It is a concocted evidence created against him. No weapon is recovered from the applicant. However, the burnt clothes and bones of the deceased were recovered when the applicant showed the dead body. It is prayed that since the prosecution has no evidence about the corpus. He deserves bail.

5. Learned APP has strongly opposed the application. He would submit that the samples were incorrectly collected. Therefore, DNA report is negative. However, the extra judicial confession of the applicant is the strong evidence against him. His knowledge of having dead body at a particular place is the another circumstance. It is a serious case of murder. Hence, he may not be granted bail.

6. Considering the submissions made above, the prosecution has no evidence that the deceased was the same person, who was missing. The dead body recovered at the instance of the applicant was not of the same person. He is still missing. The prosecution did not make further investigation from the applicant that how the applicant murdered and buried the dead body. In view of the matter, it would be inappropriate to keep the applicant behind bar for uncertain period. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **RAHUL @ BALYA KISAN SALVE** 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 trial on each and every effective date.

(S. G. MEHARE, J.)

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vmk/-