



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1554 OF 2024

AVINASH DHANAJI CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. N. D. Kendre, Advocate for the applicant
Mr. G. O. Wattamwar, APP for the respondent/State

CORAM : S. G. MEHARE, J.
DATE : 18th SEPTEMBER, 2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant seeks bail in Crime No.123/2023 registered with Gandhi Chowki Police Station, District Latur for the offence punishable under Section 302 of the Indian Penal Code.
3. One ragpicker was killed in one market in the early hours of 12/03/2023. The police had registered the accidental death case, thereafter registered the crime against the applicant. The prosecution relying on the case of so called witness which was recorded immediately on the same day of the incident, showing the involvement of the applicant in the crime. In such

circumstances, the prosecution had no reason to register the accidental death case. The prosecution ought to have registered directly a crime against the applicant. Therefore, whether the so called eye witness gave statement on the same day to the police involving the applicant is a matter of appreciation of evidence. That apart, there are no other circumstantial evidence against the applicant. The learned APP has tried to point out the conduct to applicant that he was habitual in raising quarrel with anybody. This Court is of the view that the circumstance are not sufficient to keep the applicant behind the bar. Hence the order:-

ORDER

i) The application is allowed.

ii) Applicant – Avinash Dhanaji Chavan be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,

(a) He should not tamper with the prosecution witnesses.

(b) He should attend the trial on each and every date till the trial is concluded.

(S. G. MEHARE, J.)

ssp