



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

BAIL APPLICATION NO. 1560 OF 2024

SAMEER AKHIL SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondent : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.

DATE : 01-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.12 of 2024 registered with Vivekanand Chowk Police Station, Latur, for the offences punishable under Section 302 of the Indian Penal Code.
3. The prosecution has a case, in brief, that the deceased used to stay in Dargah. A day before, the dead body of the deceased was seen, two persons were consuming ganja with him. They left his company at late hours. Thereafter, in the morning, the deceased was found dead. After five days, the applicant has been arrested. A knife has been recovered at the instance of the applicant. One mobile handset which was allegedly used by the deceased was also recovered at the instance of the applicant.

4. The applicant has a case that the prosecution yet not ascertained whose the handset was, which was recovered from the applicant. As regards this, the applicant claims a mobile handset was his. There is no last seen theory. The applicant has no concern with the crime, but he was just released in another crime, he was arraigned as an accused in the present crime falsely.

5. The learned A.P.P. submits that the recovery of the weapon at the instance of the applicant matches with the opinion of the Medical Officer, that the injuries were possible by knife. The offence is serious. Hence, the applicant cannot be granted bail.

6. Except the recovery of the mobile handset and knife, the prosecution has no other circumstances to involve the applicant in the crime. Till date, the prosecution did not identify or discover who was the owner of the mobile handset recovered from the pocket of the applicant. Barely the opinion of the Medical Officer that the injured is died of the injuries probably caused by the knife, is also not a ground, at this juncture, to prove the nexus of the applicant with the crime. Considering the facts of the case and the material placed on record, it would be inappropriate to keep him behind bar. Hence, the order:-

ORDER

- i) The bail application is allowed.

- ii) Applicant - Sameer Akhil Shiakh 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 effective date.

(S. G. MEHARE)
JUDGE

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