



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

934 BAIL APPLICATION NO. 1661 OF 2024

SOURABH SUKHDEO SASANE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. More P. P.
APP for Respondent- State : Mr.A.S. Shinde

...
CORAM : S. G. MEHARE, J.
DATE : 3rd October, 2024.

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent/State.
2. The applicant seeks bail in Crime No.112 of 2024 registered with Gondli Police Station, Dist. Jalna, for the offence punishable under section 302 of the Indian Penal Code.
3. The prosecution case, in brief, was that the deceased was found dead on the first floor of his residential building. The postmortem was performed and it was transpired that he was strangled. On suspicion, the applicant was arrested because a few days before the incident, he quarreled with the deceased. Thereafter, one cotton wire, mobile hand set and wrist watch of the deceased was recovered at his instance. Except this, there is no evidence against the applicant.
4. The learned counsel for the applicant would submit that the recovery is a created recovery. The applicant had no reason to carry his mobile hand set or wrist watch. The cotton wire is a common

article. Except the recovery, there was no other circumstance to rope the applicant in the crime. The applicant is young boy of 23 years old, labourer and having no antecedents to his discredit. Therefore, he may be granted bail.

5. The learned APP has strongly opposed the application. He would submit that it is a grave offence. The incriminating evidence at the instance of the applicant proves his nexus with the crime. In ordinary course, no person has knowledge about the articles hidden at unknown place. Cotton wire was particularly used for strangulating the deceased. These circumstances are sufficient to believe that the applicant is the author of the crime.

6. Perused the papers and considered the submissions of respective counsel at length.

7. The circumstantial evidence collected against the applicant proves the nexus of the applicant with the crime is a matter of appreciation of evidence. The trial would take its time. There are no antecedents to his discredit. Material investigation has been completed. Therefore, no purpose would be served by keeping the applicant behind bars. Hence, the order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Sourabh Sukhdeo Sasane be released on bail in Crime No.112 of 2024 registered with Gondi Police Station, Dist.

Jalna, for the offence punishable under section 302 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :

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

(S.G. MEHARE, J.)

sga