



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

968 BAIL APPLICATION NO. 1686 OF 2024

OM GAJANAN PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

CRIMINAL APPLICATION NO. 4249 OF 2024

IN BA/1686/2024

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Advocate for Applicant : Mr. Salunke Sudarshan J.

APP for Respondents-State : Ms. V. S. Choudhari.

Advocate for Informant to assist APP : Mr. Rajendra A. Chavan
h/f Mr. V. A. Bagdiya.

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CORAM : S. G. MEHARE, J.

DATE : 10.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondents-State and learned counsel for the victim.
2. The applicant seeks bail in Crime No.658 of 2023, registered with Hingoli City Police Station, District Hingoli, for the offences punishable under Sections 307, 120-B read with Section 34 of the IPC and Section 3/27 of the Arms Act.
3. The prosecution case against the applicant is that he facilitate the co-accused/main assailant to flee away. Though the FIR states that the applicant was captured in the CCTV

footage, its transcription does not show that he was physically present at the time of actual assault. The prosecution further relied on the voice recording/the conversation recorded in the mobile handset of the main assailant. Reading this conversation, learned APP as well as the learned counsel for the victim would submit that it clearly establishes that the applicant had knowledge about the incident. Their conversation shows that they had a common intention to eliminate the injured. But luckily he is saved. They would submit that the offence is serious. The fire arms were used in the crime. Therefore, the applicant does not deserve bail.

4. Learned counsel for the applicant would submit that the Hon'ble Supreme Court granted bail to the main assailant. The role of the applicant is far remote from the role of the main accused. He did not actually assaulted the injured nor any weapon has been recovered from him. The investigation against him has been completed. Nothing is to be recovered from him. There are no antecedents to his discredit.

5. Perused the papers. The applicant admittedly not captured in the CCTV footage of the actual assault to the injured. Their telephonic conversation has nexus with the incident is a matter of appreciation of evidence. The main

accused has been granted bail. He is languishing in jail for sufficient time. Therefore, no purpose would be served keeping him behind bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **OM GAJANAN PAWAR** be released on bail 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) The applicant should not tamper with the prosecution witnesses.
 - (b) He should not contact the witnesses and injured as well as other co-accused till the trial is concluded.
- (iii) Criminal application No.4249 of 2024 stands disposed of.

(S. G. MEHARE, J.)

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vmk/-