



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 859 OF 2024

Ajay Kantilal Shinde
VERSUS
The State Of Maharashtra And Another

Mr. Sohail Subhedar h/f Mr. N. S. Ghanekar, Advocate for the appellant
Mr. S. B. Narwade, APP for the respondent/State
Mr. J. S. Jain, Advocate for respondent no.2 (appointed)

CORAM : R. M. JOSHI, J.

DATE : 18th OCTOBER, 2024

PER COURT :-

1. Heard.
2. This appeal is filed seeking regular bail in connection with Crime No. 150/2024 registered with Shivoor Police Station, Dist. Aurangabad for the offence punishable under Sections 302, 201 r/w 34 of the Indian Penal Code and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. Learned counsel for the appellant submits that the investigation to the said crime is over and charge-sheet has been filed. It is his submission that in the entire charge-sheet there is no evidence against the present appellant indicating that he is involved in the incident

of assault in which deceased died. He drew attention of the Court to the order passed by the Special Court wherein it is observed that the allegation against the present appellant is that he helped co-accused Samadhan Gaikwad to cause disappearance of the dead body of deceased Savita who was killed by Samadhan. It is his submission that the offence against the present appellant cannot travel beyond Section 201 of IPC and hence, he seeks bail.

4. Learned APP and learned counsel for the informant have opposed the grant of bail on the ground that the place of incident is the residential premises of the present appellant. It is their contention that there is evidence in the form of memorandum statement of the co-accused of showing involvement of the appellant in the crime.

5. Perusal of the charge-sheet does not show that the present appellant is responsible for the death of the deceased. What is alleged against him is that disappearance of the evidence which is an offence under Section 201 of IPC. Having regard to the afore stated facts as well as considering the observations made by the Special Court, *prima facie* offence under Section 302 of the IPC cannot be attributed against the appellant. Hence appellant is entitled to be enlarged on bail.

6. The above observations are prima facie and trial Court is bound by the same.

7. Having regard to these facts, appeal is allowed in following terms:

ORDER

(i) Appellant in connection with Crime No. 150/2024 registered with Shivoor Police Station, Dist. Aurangabad for the offence punishable under Sections 302, 201 r/w 34 of the Indian Penal Code and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

(ii) He shall attend the concerned police station as and when required.

(iii) He shall not contact the witnesses directly or indirectly.

(iv) He shall not interfere with the evidence in any manner whatsoever.

8. Fees of the appointed counsel is quantified Rs. 10,000/- and it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad.

(R. M. JOSHI, J.)

ssp