



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 BAIL APPLICATION NO. 1794 OF 2024

SHUBHAM @ BHOLE JANARDAN BHALSING

VERSUS

THE STATE OF MAHARASHTRA

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

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CORAM : S. G. MEHARE, J.

DATE : 21.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.376 of 2023, registered with Ahmednagar Taluka Police Station, District Ahmednagar, for the offences punishable under Sections 302, 384, 386, 387, 323, 504, 506, 507, 120-B, 75 read with 34 of the IPC and Section 3(1)(i), 3(2) and 3(4) of the MCOC Act.
3. The prosecution case that the applicant and other co-accused has conspired to extract the money from the deceased. Hence, they had been to the house of the accused. They were asking him for Rs.2,00,000/- (Rupees Two Lakhs). But, the deceased denied. Hence, they beat the deceased due to which he died. Hearing the commotion, some of the persons came to

the spot of the incident. Witnesses state that the applicant gave a kick blow on the abdomen of the deceased. After incident, the witnesses apprehended the main accused on the spot. There was no dispute on his identification.

4. Learned counsel for the applicant submits that there is no cogent and reliable evidence that the applicant was the conspirator. His antecedents were not about extracting the money by syndicate. He was never involved in the case of extracting money. The overall evidence against the applicant does not inspire the confidence that he played an active role and went there with intent to extract money. On the contrary, the deceased and one of the co-accused had a dispute over the land. He was asking the deceased to return his money. Therefore, the incident happened.

5. Learned APP would submit that there was a status on the Instagram and Facebook of one of the co-accused which has correlation with the incident. The applicant was the member of the syndicate which was committing the crimes of extracting money. The offence is serious. Hence, he may not be granted bail.

6. Admittedly, the cause of death of the deceased is yet not established. He had injuries to his chest, but bones were not

fractured. The kidney of the deceased was also not shown ruptured due to the kick blow. Considering the role attributed to him and a defence that the deceased and one of the co-accused had quarreled over land purchase, there appear reason to go to the house of the deceased. In the facts and circumstances mentioned above, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **SHUBHAM @ BHOLE JANARDAN BHALSING** 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 attend the trial on each and every effective date.
 - (c) He should not enter village Walki, Taluka and District Ahmednagar for four (4) months from the date of his release.

(S. G. MEHARE, J.)

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