



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

25 BAIL APPLICATION NO. 2039 OF 2023

AKASH SHANKAR PALIMKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shailendra S. Gangakhedkar.

APP for Respondent/State : Mrs. Pratibha J. Bharad.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 22nd January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.57 of 2023, registered with Bhagyanagar Police Station, District Nanded, for the offence punishable under Section 302 read with 34 of the Indian Penal Code and Sections 4/25 and 4/27 of the Arms Act.

3 The informant averred in the report that on 6th February, 2023 at about 09:30 pm, quarrel took place between the applicant and informant's brother Raju Ladke as well as Radheshyam Agrawal. The applicant, thereafter, went away. Thereafter, Radheshyam went on the

slap of the informant to sleep there. At about 12:30 am to 01:00 am, the informant was informed that Radheshyam fell from slap of his house. He immediately went there and with the help of other persons took him to the hospital. He was not able to talk properly. The doctor examined him and found that there were stab injuries on his chest, ribs, back etc.. On the second day i.e. on 7th February, 2023 at about 02:30 pm, Radheshyam succumbed to the injuries. The report was lodged immediately on the same day against the unknown persons.

4 The learned counsel for applicant pointed out that one of the co-accused is released on bail. There is no eye-witness to the incident. The alleged dagger is seized from a bakery and the clothes are also seized. Except that, there is no such material against the applicant. He pointed out the statements of witnesses showing motive that because of the illicit relationship of Radheshyam with the mother of applicant, the applicant alleged to have committed his murder. He pointed out the statement of brother of the applicant, in which he has stated that since last three years his mother is staying with him at Hyderabad. The learned counsel for applicant submitted that charge-sheet is filed. The trial will take long period. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the

application and submitted that the applicant is involved in serious crime of murder. There is strong motive that before some hours of stabbing to Radheshyam, quarrel took place between the applicant and him. This is serious evidence of motive against the applicant. Considering serious nature of the crime, it is lastly prayed to reject the application.

6 Perused the charge-sheet. The alleged dragger is seized from the open place of a bakery, from one corner of Gas cylinder. It is also pointed out that clothes of the applicant were having blood stains. Except these two circumstances and alleged motive, there is no direct evidence against the applicant. The applicant has roots in the society. He will not flee away from trial. He has no criminal antecedents. The trial will take long period. As far as pressurizing of the witnesses on the part of the applicant is concerned, some stringent conditions can be imposed upon him. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.57 of 2023, registered with Bhagyanagar Police Station, District Nanded, for the offence punishable under Section 302 read with 34 of the

Indian Penal Code and Sections 4/25 and 4/27 of the Arms Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses.
- b) The applicant shall not tamper with the prosecution evidence, in any manner.
- c) The applicant shall not enter into entire Nanded city, except the dates on which he has to attend the trial till final disposal of the case.

[SANJAY A. DESHMUKH, J.]

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