

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1304 OF 2024

Suraj Shafik Pathan

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Maniyar Irfan D
APP for Respondent/State : Mr. S.P. Sonpawale

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 20, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.105 of 2023 registered with Sambhaji Nagar Police Station, Taluka Parli, District Beed for the offence punishable under Sections 302, 307, 341, 143, 147, 148 and 149 of the Indian Penal Code, Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act.
3. The prosecution has a case that all the weapons were recovered at the instance of the applicant. He played an active role in committing the murder. The blood stains of A group were also found on his clothes. Considering his role and evidence against him, he may not be granted bail.

4. Learned counsel for the applicant would submit that the clothes were recovered belatedly and false recovery of the weapons was shown at his instance. There being a family dispute, all family members were arraigned as an accused. Referring to the statements of the first informant under Section 164 of the Criminal Procedure Code, he has vehemently argued that the first informant did not state a single word against the applicant. Even he did not mention against him about the actual role attributed to him. This is a material discrepancy in the statement of the first informant. Hence, that suffice the contention of the applicant that he has been falsely implicated in the crime.

5. Considering the material contradiction as regards the role attributed to the applicant, his age and nothing remained to be recovered from him, he may be granted bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Suraj Shafik Pathan, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that ;
 - (a) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every date.

(3)

(b) The applicant should stay away from Village Nagapur, Taluka Parli, District Beed for two months from the date of his release.

(S.G. MEHARE, J.)