



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 120 OF 2025

Mahada Aamsha Thakare
Age: 28 years, Occu.: Labour,
R/o. Pipalbari, Tal.Dhadgaon,
Dist.Nandurbar.

....Applicant
(Orig. Accused)

Versus

The State of Maharashtra
Through Police Inspector.
Taloda Police Station,
Dist.Nandurbar.

.....Respondent

.....
Advocate for Applicant : Ms.Rutuja L. Jakhade
APP for Respondent : Ms.Vaishali S.Chaudhari

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 FEBRUARY, 2025

PRONOUNCED ON : 24 FEBRUARY, 2025

ORDER :

1. Present application is for grant of bail on account of arrest of applicant in crime no.0351 of 2024 registered at Taloda Police Station, Dist.Nandurbar, for the offence under Sections 115(2) and 103(1) of the Bharatiya Nyaya Sanhita (BNS).

2. Pointing to the date of arrest of applicant as 30-11-2024 and

date of FIR to be 29-11-2024, learned counsel submitted that applicant is not named in the FIR. That, he is involved on the statement of co-accused. That, there was sudden quarrel resulting into the occurrence. That, no role is attributed to the applicant. That, now investigation has progressed extensively. That, applicant is behind bars since more than two months. That, nothing is shown to be recovered or discovered at the instance of applicant. For all above reasons, learned counsel seeks grant of bail on any condition deem fit by this Court.

3. Learned APP opposed application on the ground that though applicant is not named in the FIR, investigation revealed that he too was involved. That, he was the last person seen in the company of deceased. That, applicant, deceased and other accused were seen drinking together after which deceased met homicidal death i.e. deceased died due to head injury. Therefore, it is her submission that though FIR does not carry applicant's name, as investigation is not complete, she seeks rejection of the application.

4. Heard. Perused the papers. Report to Taloda Police Station, Dist.Nandurbar is at the instance of Pratap Pawara and he has

reported Police that on 28-11-2024 his deceased brother Chandrakant was assaulted by banging head on iron pipe. Quarrel allegedly erupted on account of work of caste verification. On above report, crime seems to have been registered. Apparently, as stated above, name of present applicant Mahada is not appearing in the FIR and allegations are against one Bunti Rahase.

5. Learned APP has resisted application on the ground that applicant was in the company of Bunti and deceased and as such it appears that theory of last seen together is relied upon.

However, from the FIR itself, it is evident that present applicant was not reported to be in the company of main accused Buntty or deceased. Thus, his role is not surfacing atleast from the FIR. Consequently, when nothing is shown to be recovered or discovered at the instance of applicant, no purpose would be served by further detaining him. Hence, the following order :

ORDER

- (i) Application is allowed.

(ii) Applicant Mahada Aamsha Thakare be released on bail in connection with Crime no.0351 of 2024 registered with Taloda Police Station, Dist.Nandurbar on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE