



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 150 OF 2025

Sushil s/o Santosh Pawar
Arrested on 08.08.2024
Age : 19 years, Occupation : Labourer,
Resident of Avand Nagar, Latur,
Taluka and District Latur, Maharashtra

... Applicant
[Orig. Accused]

Versus

The State of Maharashtra
Through the Police Inspector/Investigating Officer
in Crime No. 522/2024,
M.I.D.C. Police Station, Latur,
Taluka and District Latur.

... Respondent

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Mr. A. D. Ostwal, Advocate for the Applicant.
Mr. V. M. Chate, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 04.04.2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in crime no. 0522 of 2024 registered at M.I.D.C. Latur Police Station, District Latur for offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Pointing to the date of arrest of the applicant as 08.08.2024, in support of relief of bail, learned counsel submitted that crime is registered against unknown person. That, present applicant is shown as accused no.2. Learned counsel submitted that, there are allegations that deceased Ajay, i.e. informant's son, was strangled and done to death by unknown person. Mother of deceased has lodged report to that extent.

3. Learned counsel pointed out that applicant is arrested because, three days prior to he leaving house, he had some heated exchange of words with his wife due to marital discord and his wife had allegedly left house and had been to her parent's house. Learned counsel pointed out that, it is evident from the FIR itself that deceased, after taking lunch, left the house after making phone call to unknown person. According to learned counsel, investigating machinery could not pinpoint as to from whom deceased made phone call and accordingly deceased left on 06.08.2024.

4. Learned counsel further submitted that even otherwise, occurrence is of 06.08.2024 and FIR is lodged on next day i.e. on 07.08.2024. Now investigation is over and charge sheet is filed. There is no direct eye witness account and case is based on circumstantial

evidence. No motive has been attributed to the present applicant. In spite of charge sheet being filed in October 2024, till date charge has not been framed and as such, according to him, uncertainty prevails over commencement of trial. Hence, he urges for grant of bail.

5. Learned APP objected on the ground that deceased Ajay had quarreled with his wife. That, nylon rope has been seized, but at the instance of accused no.1. Death is due to strangulation. According to learned APP, investigation revealed that present applicant was associate of accused no.1 and he also apprehends misuse of liberty.

6. Heard. Perused the papers. FIR dated 07.08.2024 is at the instance of Sunita Chavan, i.e. mother of deceased Ajay. She has reported that, three days prior to 06.08.2024, her son Ajay had quarreled with his wife, as a result of which his wife Kajal left the matrimonial house and went to her parents' place. On 06.08.2024, she claims that, in the afternoon he had lunch with her father Hariba and from the mobile of her father, he made a telephone call to someone demanding some money and the person, to whom he called, allegedly assured to give him money but to come to Chincholipati, and so Ajay left at 4.00 p.m. He did not return in the evening and was searched. Later on, information was received that, dead body of

her son was lying in the vicinity of Chincholi Shivar beside the Gangapur-Chincholi road. Therefore, she lodged report against unknown person for strangulating/throttling her son.

7. Apparently, as pointed out, FIR is against unknown person. Applicant is shown to be arrested on 08.08.2024. As submitted, case seems to be based on circumstantial evidence. Considering the submissions made by learned APP, that present applicant was associate of main accused who allegedly strangulated deceased and through whom nylon rope is already seized, it *prima facie* appears that no role whatsoever is attributed to the present applicant. When no further recovery or discovery is to be made, and in spite of charge sheet being filed in October 2024, and when there is nothing to indicate either framing of charge or mater going for trial, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant be released on bail in connection with Crime No. 0522 of 2024 registered at M.I.D.C. Latur Police Station, District Latur, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- [c] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday till framing of charge and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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