



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 257 OF 2025

Aniket Ajay Zadap
Age 26 years, Occupation Agriculture,
R/o. Savtanagar, Georai,
Taluka Georai, District Beed. ... Applicant

Versus

1. The State of Maharashtra
Through Officer In Charge,
Police Station Georai,
District Beed.
2. The Superintendent of Police,
Beed, District Beed. ... Respondents

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Mr. S. J. Salunke, Advocate for the Applicant.
Mr. P. K. Lakhotiya, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 04.04.2025

ORDER :

1. Present application is for grant of regular bail on account of applicant's arrest in crime no. 0450 of 2023 registered at Georai Police Station, District Beed for offences punishable under Sections 302, 102(B) r/w 34 of IPC.
2. It is pointed out that applicant was arrested in above crime on 02.09.2023. That, FIR at the instance of police personnel is against three unknown persons. Deceased is identified to be one Manohar Vilas Punde. Applicant has no concern with the deceased. That,

deceased allegedly died due to hemorrhagic shock due to spleen laceration. That, there is no direct evidence and case is based on circumstantial evidence. Nobody has seen the occurrence and nobody has seen applicant in the company of deceased. There was no motive. Implication is on supplementary statements. According to learned counsel, there is no incriminating material whatsoever in the entire charge sheet, which is already filed on 17.11.2023. According to him, applicant is behind bars since more than one and half years and charge is not framed and as such, commencement and conclusion of trial is uncertain. Therefore, also on the ground of long incarceration, learned counsel prays for grant of bail.

3. Learned APP opposed on the ground that though case is based on circumstantial evidence, according to him, tower location suggests involvement of applicant. There is recovery at the instance of the applicant, wherein clear memorandum has been given. Learned APP pointed out that there are multiple injuries on the deceased. However, learned APP fairly pointed out that in the video, present applicant is not appearing.

4. Considering the above submissions that FIR is against unknown persons and when there is no direct evidence and case being based on

circumstantial evidence, and moreover, when applicant is behind bars since September 2023 and in spite of charge sheet being filed on 17.11.2023, when charge is not framed yet, as submitted, uncertainty does prevail over commencement and conclusion of trial. Considering the more than one and half year's incarceration and no immediate prospects of matter going for trial, applicant succeeds. 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. 0450 of 2023 registered at Georai Police Station, District Beed, 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 between 11.00 a.m. to 02.00 p.m. till framing of charge and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]