



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**BAIL APPLICATION NO. 2293 OF 2024
WITH
CRIMINAL APPLICATION NO. 511 OF 2025**

Vishal S/o. Rupchand Waghchaure, }
Age : 21 years, Occu. : Education, }
R/o. Dhupkheda, Tq. Paithan, }
Dist. Aurangabad. } ... Applicant

Versus

The State of Maharashtra }
(Through Waluj Police Station, Aurangabad) } ... Respondent

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Mr. Nilesh Ghanekar h/f. Mr. Nagesh J. Sonune, Advocate for the Applicant.
Mr. V. M. Chate, APP for Respondent-State.
Mr. Satej S. Jadhav, Advocate for Applicant-Informant (Asst. to APP) in Cri.
Appln/511/2025.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 19.03.2025
Pronounced on : 20.03.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0094 of 2024 registered at Waluj Police Station, District Aurangabad for offences punishable under Sections 302, 307, 120-B r/w section 34 of Indian Penal Code.
2. Criminal Application No.511 of 2025 is allowed. The original complainant is permitted to assist the learned A.P.P.

3. Learned counsel for applicant submitted that, applicant is arrested in above crime in March 2024. That, no overt act is attributed to present applicant. According to him, merely because applicant was occupying the vehicle, which was allegedly used for being run over the deceased, he has been arrested. Learned counsel took this court through the FIR and also report, resulting into registration of crime. He further pointed out that, only piece of evidence, which is used to implicate him is CCTV footage and after taking this court through the transcript, he pointed out that, applicant is not appearing in the footage and therefore, he raises doubt about very presence of applicant at the time of incident. He also took this court through the statements of witnesses namely Manoj and Vansh Suraj Pande and would submit that these two witnesses are also not naming or attributed any role to the present applicant. He questions that when informant knew present applicant, why he did not name present applicant while naming other accused. Lastly, he submitted that, investigation is over. Charge sheet is filed in June 2024 itself and when nothing further is shown to be recovered or discovered, he urges for grant of bail on all and any conditions deemed fit by this court.

4. Learned APP as well as learned counsel, who is allowed to assist to learned APP, have both strongly opposed above application on the ground that, there is direct evidence. That, CCTV footages show

presence of applicant with his brother along with main accused. That, after getting annoyed due to marriage performed by one Vaishnavi and Vishal Mane, conspiracy was hatched and new vehicle was purchased specifically for the purpose of mowing down deceased. Learned counsel for informant pointed out that, after giving dash, second attempt to run over was done and it was successful. Brain matter of the deceased has allegedly come out and for such brutal murder and applicant to be present along with other accused, he urges to reject the application.

5. Heard. Perused the FIR dated 28.03.2024. Informant Shivram reported that, his nephew Vishal Mane performed love marriage with daughter of his maternal cousin, due to which his cousin was upset and he had issued threats to kill and to be run over by use of vehicle. That, on 28.03.2024, when he and his son Pavan were travelling on a motorcycle, it is informed that, their two wheeler was given dash by Bolero vehicle, as a result of which, they both i.e. he himself and his son fell. He further informed that, while he was attempting to pick up his son, who had fallen on the road, at that time, driver of the Bolero vehicle again came and gave dash both of them. Informant claims that, he saw that Bolero vehicle was driven by his nephew Sachin. Informant managed to save himself, but the vehicle was run over the person of his son Pavan, his skull broke and brain

matter came out. He has further reported that, in the jeep along with Sachin there were two other persons and other three unknown persons were on two motorcycle. On above narration, crime has been registered.

6. Now, learned counsel for applicant pointed out that applicant is not named in the report along with Sachin and that he is not appearing in CCTV footages and that even otherwise he at the most could be said to be occupying the vehicle, which was driven by other accused.

7. Here, father is the informant. Alleged incident has taken place right in his presence. Mere failure to name other occupants in the vehicle along with Sachin is no good ground at this stage to extend the benefit of bail. Learned APP asserted that, there are two CCTV footages coupled with statements under section 164 of Cr.P.C. Main accused Sachin is brother of present applicant. Taking survey of above material into consideration, this court is not in favour of granting any relief at this stage at least.

8. The application stands rejected.

[ABHAY S. WAGHWASE, J.]