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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.480 OF 2025

Atul @ Kathalya S/o Shrivant Hatkar,
Age: 24 years, Occu.: Labour,
R/o. Tripithak Bouddha Vihar,
Degaon Chawl, Nanded,
Tq. and Dist. Nanded

... Applicant

Versus

The State of Maharashtra
Through Investigation Officer,
Vazirabad Police Station,
Tq. and Dist. Nanded.

... Respondent

.....
Mr. D.M. Shinde, Advocate for Applicant
Mr. V.M. Chate, APP for Respondent - State
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 APRIL 2025

PRONOUNCED ON : 08 APRIL 2025

PER COURT :-

1. Present application is for enlargement on regular bail on account of arrest of the applicant in Crime No.480 of 2024, registered with Vazirabad Police Station, District Nanded for offences punishable under Sections 103 (1), 238 and 3(5) of Bharatiya Nyaya Sanhita (BNS).

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2. Pointing to the date of arrest of the applicant as 04.10.2024, learned counsel submitted that, FIR is lodged by police official against unknown person for committing murder of unknown person. Learned counsel submitted that, investigation is over, and charge-sheet is already filed in December 2024. That, there is nothing incriminating found against the present applicant, who is arrested only on alleged CCTV footage. He further pointed out that present applicant is shown as co-accused, and there are already said to be confessed by non-applicant, main accused. He further submitted that, when nothing is shown to be recovered or discovered at the instance of applicant, and investigation being over, and as there are no immediate prospects of matter going for trial, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that, serious offence of murder has been committed. He took this Court through CCTV footage transcript. He submitted that, there is head injury. Further, learned APP fairly submitted that, although the dead body is that of a male, the identity of the deceased is not yet known.

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4. Heard. Perused the papers. FIR dated 29.09.2024 is at the instance of ASI, Vazirabad Police Station, who reported that, on 29.09.2024, telephonic information was received about dead body lying in the vicinity of graveyard of *Lingayat* community. Accordingly, visit was paid, and it was noticed that a person of age group between 25 to 30 years, died due to head injury, probably caused by stone or blunt object, and therefore, crime is registered against unknown person for committing murder of unknown person.

5. Applicant is shown to be arrested in above crime on 04.10.2024. Learned counsel took this Court through confession allegedly given by accused No.1. Therefore, *prima facie*, it appears that, applicant is co-accused. Prosecution claims that, he being present, but he did not stop accused No.1 from carrying out the assault. Be it so, the case is based on circumstantial evidence. Now, investigation is over. What is further to be recovered or discovered, more particularly, at the instance of the present applicant is not made known to the Court. As there are no prospects of the matter going for trial, uncertainty prevails over the commencement and conclusion of the trial.

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6. In view of the above discussion, bail is required to be granted by imposing stringent conditions. Hence, the following order :

ORDER

(i) Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.480 of 2024, registered with Vazirabad Police Station, District Nanded on executing Personal Bond of Rs.15,000/- with one surety in the like amount on 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, without prior permission of the Court, 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 10:00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**