



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 545 OF 2025

Rameshwar s/o Sitaram Kale,
Age : 37 years, Occupation : Service,
R/o : Nivarnagar, Ladgaon Road,
Vaijapur, Taluka Vaijapur,
District Aurangabad.

... Applicant

Versus

State of Maharashtra
Through Superintendent of Police,
Waluj M.I.D.C. Police Station,
Aurangabad.

... Respondent

.....

Dr. Anagha N. Pedgaonkar, Advocate for the Applicant.
Mr. S. B. Narwade, APP for Respondent-State.

.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 16.04.2025

Pronounced on : 17.04.2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in crime no. 206 of 2024 registered at M.I.D.C. Waluj Police Station, District Aurangabad City for offences punishable under Sections 302, 120(B), 201 r/w 34 of IPC, Section 3/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. Learned counsel submitted that applicant, though was arrested on 18.03.2024, he is shown to be arrested on 22.03.2024. He is not named in the FIR. No allegations are levelled against him in the FIR. She pointed out that three persons are chargesheeted and two of them are already released on bail. According to her, there is no overt act and no evidence, either direct or circumstantial, and it can be so seen from the very charge sheet which is already filed on 17.06.2024. She pointed out that applicant is behind bars for more than a year. She further pointed out that accused, against whom there are allegations of shooting, namely, Laxman, is granted bail. Even charge has not yet been framed. Therefore, as future course of trial is uncertain, she prays for grant of bail to present applicant on the ground of parity.

3. Learned APP strongly opposed on the ground that present applicant is a police personnel. That, after stealing motorcycle from Nasik, offence has been committed. He pointed out that applicant is already held guilty by trial court for stealing motorcycle. Copy of such judgment is placed on record. That, there are allegations of use of fire arm and there is also recovery of pistol and motorcycle. CDR connects the applicant with other accused. Learned APP took this Court

through the statement of Savita Walmik Salunke and submitted that, her statement indicates involvement of present applicant. Lastly, it is pointed out that applicant has criminal antecedents. On all above reasons, bail is opposed.

4. Heard. Perused the FIR dated 18.03.2024 at the instance of Sahebrao, who reported that on 17.03.2024, unknown person shot his son Sachin for unknown reason and committed murder. On above report, crime was investigated. Three persons, including present applicant, Laxman @ Lakhan Namdeo Jagtap and Subhash Baban Lahire, are chargesheeted. Substance of the charge sheet is that, investigation revealed that present applicant suspected that deceased Sachin had illicit relations with his wife Savita and therefore, to eliminate him, he hatched conspiracy by engaging Laxman and Subhash. Investigation revealed that motorcycle was stolen from Panchavati, Nashik and thereafter, ammunition was purchased from Subhash and on directions of present applicant, accused Laxman shot bullet in the head of Sachin and committed his murder.

5. Co-accused Laxman had approached this Court vide Bail Application No. 1702 of 2024 and his bail application is allowed by this Court by order dated 09.04.2025.

6. Learned APP has opposed present application on the ground that applicant is police personnel, his wife Savita is also police personnel and she has given statement to police, and moreover, applicant is held guilty of commission of offence under Section 379 of IPC. Copy of the judgment passed in R.C.C. No. 981 of 2024 is also placed on record which shows that learned 7th Additional Chief Judicial Magistrate, Nashik convicted present applicant for offence under Section 379 IPC. This conviction is recorded on full fledged trial. In the said judgment, there is reference about said motorcycle being used in commission of crime no. 206 of 2024 i.e. present FIR.

7. Statement of Savita, i.e. wife of present applicant, to which attention of this Court is invited, is visited. However, she too claims in her statement recorded on 29.03.2024 that she learnt that present applicant Rameshwar, with whom she has married in 2014, after conniving with Laxman, committed murder of Sachin, with whom she had relations. Therefore, from her statement, it is emerging that she has mere hearsay information . This Court has already granted bail to Laxman, against whom there are allegations of firing bullet in the head and committing murder of Sachin. Now investigation is over. Charge sheet is already filed in June 2024. Future course of trial is

uncertain. No purpose would be served by further detention. 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. 206 of 2024 registered at M.I.D.C. Waluj Police Station, District Aurangabad City, 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 once in every week i.e. on every Thursday and maintain personal diary of his attendance till framing of charge and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

vre