



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2085 OF 2024

Anil Ramdas More

Age : 23 years, Occ: Tractor Driver,

R/o. Dedgaon, Post Kukana,

Taluka Newasa, District Ahmednagar.

... Applicant

Versus

The State of Maharashtra

Through Shevgaon Police Station,

Taluka Shevgaon, District Ahmednagar.

... Respondent

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Mr. S. B. Dushing, Advocate for the Applicant.

Mr. V. M. Chate, APP for Respondent-State.

Mr. Rahul Karpe, Advocate to Assist APP.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 18.02.2025

Pronounced on : 25.02.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no. 0399 of 2024 registered at Shevgaon Police Station, District Ahmednagar for offences punishable under sections 302, 143, 147, 148, 149, 323, 120-B of IPC.

2. At the outset, learned counsel submitted that applicant is not named in the FIR and he has been named after two days in the statements of witnesses. Pointing to the date of arrest as 05.05.2024,

learned counsel would submit that present applicant is shown as accused no.6. That, report is by brother of deceased and alleged occurrence is of 02.05.2024 around 10.45 p.m., in the backdrop of some previous dispute. However, only allegation against present applicant is that he hit by means of a wrist ring (हातातील कडे). That, now investigation is over and charge sheet is also filed. Hence, he seeks relief of bail.

3. Learned APP opposed on the ground that though informant has not named applicant, another witness, who was accompanying informant, has named him and defined his role. That, he is said to have used wrist ring in assaulting deceased. That, there is eye witness account. Learned APP also apprehends misuse of liberty.

4. Heard. Perused the FIR at the instance of one Sanket, who reported police on 03.05.2024 regarding the occurrence taking place earlier night, i.e. on 02.05.2024 around 10.45 p.m. He claims that in the backdrop of previous minor quarrel, persons namely Ajay, Kiran, Pankaj, Avinash and Vishal were seen assaulting his brother by means of knife, sharp weapon, fighter, iron rod and wooden stick. He therefore lodged report, on the strength of which, crime was registered bearing no. 0399 of 2024. Apparently, as submitted,

informant has not named present applicant Anil. In the statements of other witnesses, which are recorded two days after the occurrence, i.e. on 04.05.2024 and not immediately, name of present applicant is appearing. On visiting postmortem report, it is emerging that deceased had died due to cardio respiratory arrest due to hemorrhagic shock due to intracranial hemorrhage due to head injury. On visiting column no.17 of the postmortem report, there are two sutured wounds on occipital region and right thigh and four abrasions on left eye, left ear, wrist joint and knee joint. Therefore, here, very informant, who claims to know the assailants, has not named the applicant. After two days, applicant has been named. Allegations are of use of wrist ring. Therefore, considering the above material, when *prima facie* his name is not appearing in the FIR and it is appearing after two days in the statements of witnesses, applicant deserves to be enlarged on bail. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Anil Ramdas More be released on bail in connection with Crime No. 0399 of 2024 registered at Shevgaon Police Station, District Ahmednagar, 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 enter village Shahartakli, Taluka Shevgaon, District Ahmednagar till conclusion of trial.

[c] Till commencement of trial, the applicant shall attend the concerned police station once in every week, i.e. on every Monday between 11.00 a.m. to 02.00 p.m.

[d] After commencement of trial, the applicant shall attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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