



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

BAIL APPLICATION NO. 2203 OF 2024

Nilesh s/o Mahendra Salve
Age: 32 years, Occu.: Labour,
R/o Near Shuv temple, Mukundwadi,
Dist.Chh.Sambhajinagar.

....Applicant
(Orig. Accused)

Versus

The State of Maharashtra
Through Police Station Officer,
Harsul Police Station,
Tq. and Dist.Aurangabad.

.....Respondent

.....
Advocate for Applicant : Mr. Kiran P. Rathod
APP for Respondent : Mr.VM.Jaware
.....

CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 09 JANUARY, 2025
PRONOUNCED ON : 13 JANUARY, 2025**

ORDER :

1. This is regular bail application in consequence to arrest of the applicant in Crime no.0218 of 2023 registered at Harsul Police Station, Dist.Aurangabad for offence under Section 302 read with 34 of the Indian Penal Code.

2. Learned Counsel for the applicant pointed out that applicant is

arrested on 09-10-2023 and he is behind bars since one year and three months. He further pointed out that report and FIR is by one Raju Asaram Pradhan alleging murder of his cousin brother Suresh Haribhau Jawale by unknown person for unknown reason. Learned Counsel pointed out that applicant has been named in the supplementary statement of informant, which is recorded after almost 10-11 days. That there is no direct or circumstantial evidence. That applicant was implicated and involved merely because he was present at the spot of the incident. It is pointed out that there is statement of one security guard, but he in his statement before learned Magistrate denied knowing, who carried out assault. That except CCTV footages, which are also not clear, there is nothing incriminating against applicant. That applicant is behind bars since long and two other accused being granted bail, learned Counsel urges to release applicant on bail.

3. Strongly opposing the application, learned APP pointed out that, there are CCTV footages showing present applicant and main accused together. That deceased is also found lying injured. That the security guard has spotted present applicant and others in the parking area in the company of deceased and he has actually seen

the assault. That though later on he retracted, learned APP emphasized that there are CCTV footages on the basis of which there is identification and as such according to him, there is incriminating material. That serious offence is committed. For all above reasons, learned APP prays for rejection of the application.

4. Heard. Perused the FIR, which is at the instance of one Raju Asaram Pradhan dated 05-10-2023. He has set law into motion on receipt of information from children of the *Galli* in which he resides about deceased Suresh being assaulted and being taken to Ghati Hospital. Apparently, though FIR is against unknown person for committing murder for unknown reason, subsequently investigating machinery seems to have procured CCTV footages. Transcript of the same is produced on record. In such footages and transcript, one Aadesh and present applicant are said to be identified. Post mortem report shows that deceased died due to shock and hemorrhage due to multiple stab injuries. Chargesheet shows that knife is recovered at the instance of accused Nilesh i.e. present applicant. Statements of witnesses namely Umesh Sudhakar Aathawale and Rahul Chandramani Sardar, who are said to be Rickshaw Drivers and were allegedly present in front of the hotel spot, have given statements of

seeing a person in pink shirt lying in injured condition and he was being assaulted by a person in the age group of 25-30 years. The other accused boy namely Aadesh is reported to be of 18 years of age. Consequently, there is *prima facie* incriminating material in the form of CCTV footages against present applicant. It has not been shown that there are no immediate prospects of matter going for trial. Considering the nature of allegations, nature of offence, this Court is not inclined to grant bail at this stage. Hence, the following order :

ORDER

Bail Application No.2203 of 2024 is rejected.

(ABHAY S. WAGHWASE)
JUDGE