



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

BAIL APPLICATION NO.2238 OF 2024

Ashok S/o Laxman Shende
Age: 38 years, Occu.: Driver
R/o. Dhanora, Tq. Ashti, Dist. Beed,
At Present, R/o Mala, Tq. Newasa,
District Ahmednagar.

... Applicant

Versus

1. The State of Maharashtra
Through Police Inspector,
Ambhora Police Station,
Tq. Ashti, Dist. Beed

... Respondents

.....
Mr. Rahul R. Karpe, Advocate for Applicant
Mr. C.V. Bhadane, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 31 JANUARY 2025

PRONOUNCED ON : __ FEBRUARY 2025

ORDER :

1. Present application is for grant of regular bail in Crime No.0235 of 2023 registered at Ambhora Police Station, District Beed for offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest as 05.11.2023, learned counsel for the applicant submits that alleged occurrence is of 06.04.2023. That, applicant is falsely involved on mere suspicion. That, there is nothing

incriminating, even now when the entire investigation is over. That, case is based on circumstantial evidence. That, FIR is registered by police officer. Deceased was found in skeleton form. Therefore, FIR was against unknown person. That, now, prosecution claims that due to financial reason, murder has been committed. Learned counsel pointed out that there is sole witness to alleged transaction i.e. maternal nephew. That, present applicant resides at Mirimaka, District Ahmednagar, whereas his father resided at Dhanora, District Beed. There was no enmity, quarrel or dispute and rather, father of applicant himself was consenting party to the land transaction. There is nothing concrete to connect the applicant to the death. Applicant is behind bars since more than eleven months. That, now investigation is over and charge-sheet is also filed, but trial is not yet commenced. For all above reasons, learned counsel prays for grant of bail.

3. Learned APP submitted that though FIR was registered against unknown person, investigation revealed applicant to be behind the murder. That, deceased was throttled and done to death. That, role of applicant has been stated by the co-accused. That, there are serious charges, and hence bail is opposed.

4. Heard both the sides. Perused the papers. Apparently, law has set into motion by police officer, Ambhora Police Station reporting that, on

06.04.2023, information was received about skeleton of a male person lying in the vicinity of Undarkhel lake. The skeletal remains were collected and sent for analysis, and initially A.D. was registered and during its inquiry, informant claims that from secrete informer, it was learnt that dead body of Laxman Sadashiv Shende of Dhanora and that Laxman was done to death by scrap dealer Ramveer Yadav Bhihari, one Kiran Waghmare and very son of deceased i.e. Ashok, who is present applicant. Informant further claims that, investigation revealed that, Laxman was done to death on account of transaction of sale of land standing in the name of deceased. Thereafter, again on secrete information, it was learnt that present applicant was residing in Mirimaka Shivar, and therefore, when in-depth inquiry is made with him i.e. after taking him into confidence, he admitted that dead body was disposed off in November-December of 2022 with the help of associates namely Ramveer Yadav Bhihari and Kiran Waghmare, but he was not informing how his father was killed. On report to this extent, crime has been registered bearing No.0235/2023.

5. What is emerging from above discussion is that, the skeletal remains were said to be of Laxman and investigating machinery claims that on secret information, it was learnt that Laxman was done to death by Ramveer Yadav, one Kiran Waghmare and the present applicant none other than the son of deceased. Though investigating machinery

advanced theory that it was in the backdrop of land transaction and bank statements suggests applicant to be beneficiary of various amounts at respective times, case seems to be apparently based on circumstantial evidence. There are said to be confessional statement, but while in custody of police. FIR is of 05.11.2023. Applicant is said to be arrested on the same day, and thus behind bars for more than one year. Charge sheet is said to be filed on 01.02.2024. This Court is not informed about the current status of the matter as to whether case is committed, charge is framed or not, and as such it is not sure when matter would go for trial. In the light of above discussion, when there is pre-trial long incarceration, applicant succeeds. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Ashok S/o Laxman Shende be released on bail in connection with Crime No.0235 of 2023 registered at Ambhora Police Station, District Beed on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**