



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

BAIL APPLICATION NO.2289 OF 2024

Sunil s/o Madhavrao Jungle,
Age: 44 years, Occ.: Agriculture
R/o Bhivgaon, Tq. Vaijapur,
Dist. Aurangabad.

..Applicant

Versus

State of Maharashtra

..Respondent

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Mr. N. S. Ghanekar, Advocate for the Applicant.
Mr. V. S. Badakh, APP for Respondent-State.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 14th JANUARY, 2025.

PRONOUNCED ON : 17th JANUARY, 2025.

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.0081/2023 registered with Vaijapur Police Station, Dist. Aurangabad for the offences punishable under Sections 302, 363 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of information given by Mr. Prabhakar Kale i.e. father of victim. It was informed that since 25.02.2023 his son Sachin was missing. On inquiry, it is revealed that on 24.02.2023, his son handed over mobile phone to Pushpa Jangle at her home situated at Bhivgaon Shivar. The investigation progressed in pursuance of aforesaid crime. The statements of Pushpa Jangle and her Sister Ashwini

were recorded, which disclosed that in the night of 24.02.2023, Sachin was in the house of Pushpa. While they were chit-chatting in the night, her grandfather noticed him in the room of Pushpa. Thereafter, he was assaulted by the accused persons. Consequently, he lost his life.

3. Mr Ghanekar submits that previous Bail Application No.1835/2023 filed by the applicant before this Court was withdrawn on 28.12.2023 with liberty to move for grant of bail after recording evidence of Ashwini Sunil Jangle. He submits that now the evidence of Ashwini has been recorded in the Sessions Case No.99/2023 and she has not supported the case of the prosecution. Mr. Ghanekar would further submit that the co-accused Madhavrao Jangle has been already enlarged on bail by order of this Court dated 11.09.2023.

4. The learned APP, however, strongly opposes the prayer for grant of bail contending that Ashwini and her sister Pushpa are daughters of accused. Consequently, they turned hostile. However, the prosecution can still establish its case based on circumstantial evidence. He would submit that young victim lost life due to brutal attack and the circumstances would establish the guilt of the applicant/accused during the trial. He would further submit that the co-accused Madhavrao has been released on bail considering his age. The case of the applicant is apart.

5. Having considered submissions advanced, it is apparent that victim Sachin lost life in the night of 24.02.2023. His dead body was found with brutal injuries. It is true that the prosecution rest its case on the evidence of Ashwini Jangle, i.e. daughter of the applicant, but she did not support the prosecution case. However, as rightly pointed out by Learned APP, prosecution may establish the case based on circumstantial evidence and for that purpose, the trial needs to be proceeded in fair manner. Although, at this stage, the prosecution has suffered jolt in light of evidence of Ashwini, yet the trial is not concluded. Prosecution deserves full opportunity to establish its case by leading circumstantial evidence. The release of the applicant at this stage may hamper the smooth trial. In that view of the matter, at this stage, no case is made out for grant of bail.

6. Hence application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE