



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

BAIL APPLICATION NO. 2325 OF 2024

Anil S/o Sevakram Uike
Age : 25 yrs., Occu.: Labour,
R/o. Village Sukavi, Post Khar,
Thana – Khalva, Tahsil Harsud Khalva,
Dist.East Nimar, Khandwa,
State Madhya Pradesh (M.P.)

....Applicant

Versus

The State of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr.Balraj Prakash Pande
APP for Respondent : Mr.VM.Jaware

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 06 MARCH, 2025

ORDER :

1. Applicant seeks grant of regular bail in crime no.0353 of 2024 registered at Railway Police Station, Dist.Aurangabad for offence under Section 103(1) of the Bharatiya Nyaya Sanhita.
2. Learned counsel pointed out that applicant is arrested in the FIR dated 08-08-2024 on 15-08-2024 i.e. after a week after registration of the FIR. He further emphasized that FIR is apparently against unknown person. That, though prosecution claims that there

are statements of witnesses namely Jayanand Ramdas Kirtishahi, Ravi Waman Kamble and Sayad Aslam Sayad, but on going through the same, according to learned counsel, the credibility of their statements is doubtful, more particularly, for the unnatural conduct as they have remained silent for a considerable time. He pointed out that only allegation is of pelting stone, which was not targeted. He pointed out that no motive is attributed even during investigation. As investigation is still incomplete and applicant is behind bars since August, 2024 and as applicant is ready to abide by any condition, learned counsel for applicant seeks grant of bail.

3. Learned APP opposed on the ground that stone has been hit causing death due to head injury. According to learned APP, motive is getting clear from the memorandum of declaration and more particularly, applicant was said to be under influence of liquor. For all above reasons, learned APP opposes bail application.

4. Perused the report dated 08-08-2024 at the instance of one Varsha Kale (PSI), who has reported regarding committing murder of unknown person by unknown person for unknown reason. Thus, there is no direct eye witness. There are said to be statements of

witnesses namely Jayanand Ramdas Kirtishahi, Ravi Waman Kamble and Sayad Aslam Sayad. On visiting statements of witnesses of these witnesses, it is emerging that they are employees of Railway Department. They claim that they were on duties on the intervening night of 07-08-2024 and 08-08-2024 and at around 04:30 a.m. on Platform No.4, one person was seen murmuring and pelting stone on another person, who was already sleeping there. It is reported that as the sleeping person become an obstruction while walking, in anger, the stone was hit on the person sleeping. This witnesses have given description of the person, who hit stone. Therefore, identity of actual person was not known to these three persons and they seem to have further reported Railway Police on duty to further inform informant. Therefore, there is no direct eye witness.

5. Now chargesheet is already filed in October 2024 itself. There is no further recovery or discovery shown to be made from the applicant. Therefore, taking above material into consideration, when no further purpose is achieved by detaining applicant, relief can be granted by imposing stringent condition. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Anil S/o Sevakram Uike be released on bail in connection with Crime no.0353 of 2024 registered with Railway Police Station, Aurangabad on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not leave jurisdiction of Railway Police Station, Aurangabad, till conclusion of trial, except attending dates of the Court.

(ABHAY S. WAGHWASE)
JUDGE