



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1918 OF 2024

Popat S/o Sudam Suryawanshi
Age: 27 years, Occu.: Labour,
R/o.Karwadi, Area Belpimpalgaon,
Tq.Newasa, Dist.Ahmednagar.

....Applicant

Versus

The State of Maharashtra
Through P.I., Police Station,
Newasa, Tq.Newasa, Dist.Ahmednagar.

.....Respondent

.....
Advocate for Applicant : Mr. Rajendra G. Hange
APP for Respondent : Ms.Vaishali S.Chaudhari

.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 30 JANUARY, 2025

ORDER :

1. Applicant seeks enlargement on bail in crime no.0251 of 2024 registered at Newasa Police Station, Dist.Ahmednagar, for the offence under Section 302 of the Indian Penal Code (IPC).

2. In support of relief, learned counsel for the applicant pointed out that present FIR dated 13-03-2024 is filed against unknown person. That, there are allegations that, two days back, there was quarrel between present applicant and deceased. Further he pointed

out that reason of quarrel is not coming on record. He further pointed out that there are allegations of deceased being stoned to death. He pointed out that FIR is by nephew of deceased. That, prosecution also claims that there is disclosure to cousin brother, however, said brother has not reported on his own about any disclosure to Police, rather his statement is recorded after almost two weeks i.e. on 01-04-2024. Consequently, it is his submission that, case is based on circumstantial evidence. That, there is no foundation in support of allegation and as applicant is behind bars for more than nine months, he seeks grant of bail on any conditions deemed fit by this Court.

3. While opposing the application, learned APP pointed out that serious offence of murder is committed. That, there is use of stone and it is recovered coupled with blood stained clothes of accused. Learned APP pointed out that, there are statements of daughter of deceased and cousin of applicant. That, taking the gravity of offence into consideration, learned APP seeks rejection of application.

4. After hearing both the sides and on going through the papers, more particularly, FIR dated 13-03-2024 at the instance of Vishnu

Gangadhar Tuvar, it is emerging that his uncle Balasaheb was murdered by unknown person for unknown reason on the intervening night of 12-03-2024 and 13-03-2024. Thus, as submitted, FIR is against unknown person.

5. Learned APP has harped on the statements of daughter of deceased and Ravindra, who is cousin of applicant. However, as submitted, this witness Ravindra claims that present applicant came to him at 02:00 a.m. on 13-03-2024 in wet clothes and confessed about committing murder of deceased. However, again as pointed out that said Ravindra, not on his own, given immediate information to Police, rather he gave statement on 01-04-2024 regarding receiving such extra-judicial confession. Even on visiting statement of daughter of deceased, she seems to have informed that there was quarrel between her father and present applicant one day back on petty count.

6. Therefore, taking above material into consideration and as applicant is behind bars since March 2024 and as chargesheet is said to be filed, more particularly, when nothing further is shown to be recovered or discovered at the instance of applicant, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Popat S/o Sudam Suryawanshi be released on bail in connection with Crime no.0251 of 2024 registered with Newasa Police Station, Dist.Ahmednagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not enter into village Pachegaon, Tq.Newada, Dist.Ahmednagar, till conclusion of the trial.
- (iv) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE