



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 494 OF 2025

Mohammed Rehan S/o. Mohamed Rizwan,
Age : 25 years, Occu. : Labour,
R/o. At Near Paragon Agency,
Ghanmandi, City Chowk,
Tq. Chh. Sambhajinagar,
Dist. Chh. Sambhajinagar.

.... Applicant

Versus

The State of Maharashtra,
Through the Police Inspector/
Investigating Officer in Crime No. 564/2024,
Tq. Udgir, Dist. Latur.

.... Respondent

.....
Mr. A. D. Ostwal, Advocate for Applicant.
Mr. V. M. Jaware, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 29 APRIL 2025

PRONOUNCED ON : 30 APRIL 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No.564 of 2024 registered at Udgir (Rural) Police Station, Dist. Latur for offence punishable under sections 351(2), 103(1), 104, 309(4), 3(5) of Bharatiya Nyaya Sanhita and under section 3/25 of the Arms Act.

2. Pointing to the date of arrest as 24.10.2024, it is

submitted that, in all five persons are booked in above FIR. That, two co-accused are released on bail. That, one by learned trial court and one by this court. It is pointed out that, only role attributed to present applicant is that he supplied gun to main accused Sonu @ Amit Natkare, who allegedly fired and committed murder of his wife, namely Bhagyashri. Now, investigation is over and charge sheet is already filed in January 2025. That, there being no overt act and nothing further is to be recovered at the instance of present applicant, it is submitted that, further custody is unwarranted. That, case is not committed nor charge is framed. In view of uncertainty over trial, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that, applicant has supplied gun to main accused Sonya, who allegedly fired. Thus, there is role of applicant also. That, there are statements of witnesses, namely Rahul Patole, who has marked presence of applicant also. That, present applicant was in the company of main accused. Thus, for all above reasons, learned APP opposed the application.

4. Heard. Perused the papers. FIR dated 16.10.2024 is at the instance of father of Bhagyashri, who was allegedly married to Sonu @ Amit Natkare. He reported that, his son-in-law was already

convicted for murder and was on parole leave. For filing appeal in the court, he was asking informant's daughter to sell the agricultural field to raise money and also allegedly threatened to fire, if money is not arranged. On 15.10.2024, he quarreled with deceased in above backdrop. On 16.10.2024, message was received that, his daughter was lying in pool of blood due to gunshot injury. Informant has named Sonu @ Amit Natkare for committing murder. Apparently, applicant's name does not figure in the FIR. It is the claim of prosecution that, investigation revealed that present applicant had arranged the weapon allegedly used by main accused for shooting down deceased. Thus, so much role is attributed to present applicant. Now, investigation is over, charge sheet is filed and co-accused are granted on bail. As submitted charge is not yet framed and future course of trial is said to be uncertain. In the light of such facts and circumstances, application deserves to be allowed. Hence, the following order is passed :-

ORDER

- I. The application is allowed.
- II. Applicant Mohammed Rehan S/o. Mohamed Rizwan be released on bail in connection with Crime No.564 of 2024 registered with Udgir (Rural) Police Station, Dist. Latur, on executing Personal Bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount, on the following conditions:

- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- [c] The applicant shall attend the concerned police station once in every week i.e. on every Monday till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)