



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.629 OF 2025

Vitthal @ Mauli S/o. Balasaheb Bomble,
Age : 21 years, Occu. : Labour,
R/o. Patharwala, Tq. Ambad, Dist. Jalna,
At present Chandanzira, Jalna,
Tq. & Dist. Jalna.

... Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Police Station Chandanzira, Jalna,
Tq. & Dist. Jalna.

... Respondent

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Mr. P. P. More, Advocate for Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 02 MAY 2025

PRONOUNCED ON : 05 MAY 2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant in Crime No.274 of 2024 registered at Chandanzira Jalna police station, Dist. Jalna for offence punishable under sections 302 r/w section 34 of Indian Penal Code.

2. In support of relief, learned counsel pointed out that, there is no incriminating material or direct evidence. He pointed out that, deceased allegedly left on motorcycle and had telephonic

talk with his father at around 8:52 p.m. That, from the conversation between informant and deceased, it is further emerging that deceased was in the company of his friends, namely Ravi and Vitthal (i.e. present applicant). He pointed out that, statement of one Baba Pathan shows that present applicant had already left the company of deceased and other friend. That, dead body was allegedly found at 12:30 midnight. Therefore, in the light of above statement, there is no possibility of applicant to be behind death of Nadim. According to him, case is based on circumstantial evidence. He pointed out that, except CCTV footage, there is no recovery at his instance also. That, applicant is behind bars since June 2024. That, investigation is over and charge sheet is filed on 23.09.2024 and there are no immediate prospects of matter going for trial, he urges for grant of bail.

3. Learned APP opposed on the ground that, applicant, other accused and deceased, who were friends, were consuming liquor together. That, there is statement of hotel Manager. She further pointed out that, there are CCTV footage, which show that deceased was in the company of applicant and other co-accused. Shortly thereafter dead body was spotted. She pointed out that, deceased had suffered 23 injuries on his person. She further pointed out that, there is recovery of blood stained clothes.

According to her, incident had taken place between 8:57 to 9:36 p.m. and the time span being short and deceased being dead shortly thereafter, it is her submission that, there is strong and incriminating circumstance of last seen together against present applicant. Hence, she opposes bail application.

4. Heard. Perused the papers. FIR is at the instance of one Sayyed Raheem Sayyed Umar and he reported that on 27.06.2024, around 5:00 p.m., his deceased son Sayyed Nadim approached him. Informant questioned him when he came from Aurangabad and thereafter he borrowed Rs.200/- from informant for meals and left. He returned and borrowed keys of the motorcycle, informing that, he is going to Aurangabad. Informant claims that, he asked his son to not to take motorcycle to Aurangabad and about he agreeing to it. Around 6:30 p.m., his son's friend Baba Yusuf Pathan came to return the motorcycle and on being questioned told that Nadim was with his friends Ravi at hotel Atharva. Informant claims that, around 8:50 p.m., he called his son and asked him not to consume liquor and rather to go back to Aurangabad. He further reported that, call got disconnected, but again at 8:52 p.m. his son called back, stating that, he is in the company of Ravi Gaware and Vitthal @ Mauli Bombale i.e. present applicant and they all are taking meals and his son further said

that, after meal, he will go back to Aurangabad. Around 12:30 midnight, informant's brother called and informed about murder of Nadim near the vicinity of building of Nisar Bhai. Hence the report.

5. Learned APP submitted that, there are CCTV footage and she took this court through the panchanama of CCTV footage and also through the statement of Baba Yusuf Pathan. On visiting statement of Baba Yusuf Pathan, it is revealed that, on 27.06.2024, he got call from deceased Nadaf/Nadim and he came to take him up and they both went to purchase cap. He claims that, while they were returning, at that time, near Indrayani hotel Ravi Gaware and present applicant were at the Chinese center and there this witness states that Nadaf asked Ravi to arrange liquor for him. He stated that, Ravi expressed his inability for want of money, but thereafter Ravi assured him to arrange, but not more than 90 ml and thereafter he stated that, present applicant and Ravi sat on one motorcycle, whereas he and deceased Nadaf sat on another motorcycle and they went to a Petrol pump. There present applicant took fuel in the bottle and he left. Thereafter this witness, deceased and Ravi sat on motorcycle and went towards Atharva hotel and shortly thereafter phone call of father of Nadaf was received and so he went to give motorcycle of his father and

thereafter, he went home. Then he claims to receive phone call from Akash Satpute about murder of Nadaf. Therefore, statement of this witness shows that, at petrol pump present applicant after taking fuel left the company of deceased, whereas deceased and Ravi went to Atharva hotel.

6. Learned APP has taken this court through the transcript of CCTV footage of a spot, namely Atharva. She pointed out that, around 20:57:00 to 20:58:02 deceased is shown to be riding the motorcycle and after him present applicant is shown to be sitting and last pillion rider is Ravi and it is noted in the panchanama about present applicant handing over weapon to Ravi.

7. On court query, learned APP pointed out that, recovery of weapon is at the instance of Ravi. Admittedly there is recovery of only single weapon and as stated above, it is from non applicant Ravi. Theory of last seen together seems to have been relied by investigating machinery, however, regarding motive there is nothing. Therefore, in the light of above material, when there is recovery of weapon at the instance of Ravi, applicant deserves for relief of bail. Hence, I proceed to pass the following order :-

ORDER

I. The application is allowed.

II. Applicant Vitthal @ Mauli S/o. Balasaheb Bomble be released on bail in connection with Crime No.274 of 2024 registered at Chandanzira Jalna police station, Dist. Jalna, on executing Personal Bond of Rs.50,000/- (Rupees Fifty 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 not enter the vicinity where the informant and his family members reside till conclusion of trial.

[d] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday between 10:00 a.m. to 02:00 p.m. till commencement of trial and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)