

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

CRIMINAL APPLICATION NO. 5475 OF 2015

Godavari Navnath Misal,
R/o Baif Road, Behind Moze College,
Vagholi, Pune

...Applicant

versus

The State of Maharashtra

...Respondent

.....
Mr. R. K. Temkar, Advocate for applicant
Mr. S. M. Ganachari, A.P.P. for respondent/State
.....

**WITH
CRIMINAL APPLICATION NO. 4619 OF 2015**

Nilesh Sopan Shinde,
R/at : Chandkhed, Tal.Maval,
Dist. Pune

...Applicant

versus

The State of Maharashtra,
Through Supa Police Station,
Tq. Parner, Dist. Ahmednagar

...Respondent

**WITH
CRIMINAL APPLICATION NO. 4620 OF 2015**

Mohmad Rajmohmad Shaikh,
R/at: Priyankanagari, Wagholi,
Pune-Nagar Highway, Pune

...Applicant

versus

The State of Maharashtra,
Through Supa Police Station,
Tq. Parner, Dist. Ahmednagar .

...Respondent

.....
Mr. A. S. Shalgaokar, Advocate for applicants
Mr. S. M. Ganachari, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 15th OCTOBER, 2015

ORAL ORDER :

The applicants are seeking bail in connection with Crime No. I-154/2014 registered with Supa Police Station, Tal. Parner, Dist. Ahmednagar for the offence punishable under Sections 302, 364, 176, 202, 120(B) read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the applicants have conspired to kill the deceased Navnath, husband of Godavari at the behest of applicant Mohmad Shaikh, as Godavari and Mohmad Shaikh having illicit relation.

3. While trying to make out the case for bail, learned Counsel for the applicants would submits that the case is based on the circumstantial evidence and according to them, there is hardly any material to connect the present applicants in crime in question. Learned Counsel for the applicants further submits that, in view of filing of chargesheet, the investigation in the matter is already completed and further custody of the present applicants will be of

hardly any consequences. The applicants have drawn to support from the order of this Court dated 11/08/2015 in the matter of Rajnikant Dattatray Agale and Subhash Sudam Sawant, who are released on bail in Criminal Application Nos. 4116/2015 and 3941/2015.

4. Learned A. P. P., while opposing the bail applications, would submit that, the murder of deceased Navnath is pre-planned manner by all the applicants/accused persons and except applicant Godavari, who was having illicit relations with Mohmad, rest of the applicants were hired killer.

5. Apart from above, he would submit that, there is discovery under Section 27 of the Indian Evidence Act at the behest of one of the accused person, which is required to be taken into account, wherein the spot of incident and wooden log, which was used in the commission of crime was seized.

6. Having bestowed thoughtful considerations over the submissions, it is required to be noted that, the investigation in the matter is already completed and upon considering the discovery under Section 27 of the Indian Evidence Act given by Rajnikant, this Court, looking the same, has granted the bail to the other accused

persons as referred supra. Prima facie, it appears that, the case of the applicant Nilesh appears to be similar to that of two other accused who are already released on bail.

7. So far as accused Godavari and Mohmad are concerned, this Court must take note of the fact that the alleged incidence took place on 22/09/2014 for which the F. I. R. came to be registered on 25/12/2014 i.e. almost after period of more than three months. The only explanation tendered by the prosecution for registration of delayed F.I.R. appears, source of disclosure of information about involvement of applicants in the commission of crime in question.

8. Having perused the statements of witnesses, prima facie it appears that the entire case is based on substantial evidence and there is hardly any evidence which directly connect the applicants to the crime in question.

9. In view thereof, it will be appropriate to order the release of the applicants on bail. Hence, I proceed to pass the following order.

The applicants be released on bail, upon furnishing P.R. bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like

amount by each of them, in connection with Crime No. I-154/2014 registered with Supa Police Station, Tal. Parner, Dist. Ahmednagar for the offence punishable under Sections 302, 364, 176, 202, 120(B) read with Section 34 of the Indian Penal Code.

10. Criminal Applications are allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/15.10.15