

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1818 OF 2015**

Rajendra Nivas Fasale ..Applicant

v/s.

The State of Maharashtra. ..Respondent

Mr. Pratap Patil for the Applicant

Mr. S. S. Pednekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 17, 2015.**

P.C.

. This is an application for bail filed by the applicant who is facing trial in S.C. No.55/2015 pending on the file of Learned District Judge-2 & Additional Sessions Judge, Sangli.

2. The case of the applicant in brief is that on 15/12/2014 the applicant alongwith co-accused Kishore Namdeo Gawade had committed murder of Sujata, the wife of the said Kishore. The said case arises from C.R. No.18/2014 registered at Kundal Police Station, Sangli for the offence u/s.302 of the IPC. The said crime was registered pursuant to FIR lodged by Hanmant Mahadeo Pujari. Upon completion of investigation charge-sheet was filed and case was committed to the Court of

Sessions, Sangli. Application for Bail filed by the applicant has been dismissed by the Sessions Court by order dated 1/7/2014. The applicant has therefore filed present application u/s.439 of Cr.P.C. before this Court.

3. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The records prima facie reveal that wife of the co-accused Kishore was missing from 5/10/2014. The complainant, who is the father of the deceased had inquired with the co-accused Kishore about whereabouts of the deceased and he had informed that he had committed her murder. The complainant therefore lodged a FIR against his son-in-law Kishore for committing murder of his daughter.

4. The applicant herein was subsequently arrested in the said crime mainly on the basis of extrajudicial confession made by the co-accused Kishore before Asha Sunil Kale and Sunil Bhanudas Kale, sister and brother-in-law of the co-accused Kishore. These witnesses have stated that the co-accused had told

them that he had committed murder of his wife Sujata with the help of his friend Rajendra Nivas Fasale, the applicant herein. It is to be noted that the statements of these witnesses were recorded under section 164 of Cr.P.C. The said statement u/s.164 of Cr.P.C. do not indicate that the co-accused had made such confessional statement implicating the applicant herein. It is also to be noted that the FIR also does not indicate that the co-accused had implicated the applicant herein. Apart from the extrajudicial confession allegedly made before Sunil Kale and his wife Asha Kale, there is no other material to show involvement of the applicant.

5. Considering the above facts, so also considering the nature of the allegations levelled against the applicant, in my considered view the applicant is entitled for bail. Hence the bail application is allowed on the following terms and conditions:

- i) The applicant be released on bail on the applicant furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the Sessions Court,

Sangli.

ii) The applicant shall attend Trial Court on each and every date of hearing.

iii) The applicant shall not interfere with the witnesses and/or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)