

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.2180 OF 2015**

Indrajeet @ Aditya Lahuraj Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Prakash Naik i/b. Ms Shradha Sawant for the Applicant.

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

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATE : 11<sup>th</sup> DECEMBER, 2015.**

**P. C. :**

This is an application for bail filed by the aforesaid Applicant, who is arrested in Crime No.110 of 2015 registered with Umbraj Police Station, Satara, for the offences punishable under sections 302 and 120B r/w. section 34 of the Indian Penal Code.

2. The case of the prosecution in brief is that on 16.6.2015 at about 10.00 p.m. the Applicant and the other co-accused entered into a criminal conspiracy to cause death of one Charan @ Chiranjeev Nanaji Kamble and pursuant to the said conspiracy the other co-accused on 16.6.2015 committed murder of said Chiranjeev.

3. Mr. Prakash Naik, the learned senior counsel for the

Applicant submits that there is absolutely no material on record to show that the Applicant had either entered into any such conspiracy or that he is involved in committing murder of said Chiranjeev. He has further stated that the Applicant is a 19 year old boy and a student of second year B.A. in Venutai Chavhan College of Arts, Karad. The charge has already been framed and that the Applicant is in custody since 17.6.2015. He has stated that the Applicant has no criminal antecedents and that he be released on bail.

4. Mr. S.S. Pednekar, the learned APP submits that there was previous enmity between the Applicant and the deceased. He has submitted that the call records and the statements of some of the witnesses prima facie show that the Applicant was one of the conspirators.

5. I have perused the records and considered the submissions advanced by the learned senior counsel for the Applicant and the learned APP for the Respondent -State. The records prima facie reveal that the deceased Chiranjeev was employed at a Petrol Pump at Masur, Taluka-Karad, District-Satara. On 16.6.2015 at about 10.00 p.m. the co-accused Suraj Dhas, Ravindra Kamble, Nitin Jadhav, Ajay Jadhav had inflicted injuries by means of pointed hard weapon. Said

Chiranjeev was taken to the hospital and he expired on the same day. The post mortem report reveals that there were 11 stab injuries on the anterior aspect whereas 13 injuries on the posterior aspect. The post mortem report indicates that the death of said Chiranjeev was due to haemorrhagic shock due to intraabdominal bleeding due to stab injury to right lobe of liver and intestine. The records prima facie reveal that the death of said Chiranjeev was homicidal.

6. The statements of the eye witnesses do not prima facie reveal that the Applicant was present at the place of the incident and /or that he was involved in inflicting the said injuries. The only material against the Applicant is that there was previous enmity between the Applicant and the deceased. It is to be noted that the statement of the father of the deceased indicates that the deceased had assaulted the Applicant in the year 2013, due to which the Applicant held a grudge against the deceased. The previous enmity relates to an incident, which was about two years prior to the death of the deceased. There is no material on record to indicate that the relations between the Applicant and the deceased continued to be strained for a period of two years after the incident of the year 2013. The other circumstance which has been pointed out by the learned APP is that the Applicant

and the other co-accused were seen together on 16.5.2015. The case of the prosecution is that the Applicant and the other co-accused were friends. Prima facie, such a meeting of common friends, about a month prior to the incident cannot be considered as incriminating circumstance to link the Applicant with the crime.

7. The learned APP has further stated that the call records indicate that the Applicant had made a call to one of the accused on the date of the incident and that the tower location shows that the call was made from a place, which was closed to the place of the incident. It is to be noted that the Sim-card is in the name of Ashok Jadhav. It is not in dispute that the said phone was not recovered from the Applicant herein. The prosecution has not recorded statement of said Ashok Jadhav and as such there is no prima facie material to show that the Applicant was using said mobile phone.

8. Considering the facts of the case, in my considered view, there is no prima facie material to indicate that the Applicant had entered into a criminal conspiracy to cause death of said Chiranjeev. This being the case, the Applicant is entitled for bail. Needless to state that these are prima facie observations and not expression on the merits of the case.

9. Under the circumstances, the application is allowed on the following terms and conditions:-

- (I) The Applicant shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties in the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Karad.
- (II) The Applicant shall not interfere with the complainant or witnesses in any manner.
- (III) The Applicant shall report to the Umbraj Police Station on every Saturday between 10.00 a.m. to 12.00 p.m. till the committal of the case to the Sessions Court.

**(ANUJA PRABHUDESSAI, J.)**