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

BAIL APPLICATION NO.874 OF 2015

Kiran Rajendra Pisal	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr.Rahul S. Kate, for the Applicant.

Ms.Veera Shinde, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE, J.
DATE : 03rd SEPTEMBER, 2015**

P.C. :

1. Heard the learned counsel for the Applicant and the learned APP for the Respondent-State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R.No.314 of 2014 registered with the Baramati Taluka Police Station, Pune, for the alleged offence punishable under Section 302 r/w Section 34 of the Indian Penal Code and under Sections 3(2)(v) of the Atrocities Act, 1989.

3. The complainant is one Rashid Vajir Pathan, serving as a Police Naik in Baramati Taluka Police Station, Pune. He has alleged in the FIR which is lodged on 2nd October, 2014, that two juvenile accused – Rahul Jadhav and Rakesh Gaikwad came to the police station and informed him that on 28th May, 2014, five persons including the deceased – Onkar Adagale had murdered Sagar Jadhav (brother of Rahul Jadhav) by assaulting him with sattur and sickle. The two juvenile accused are alleged to have disclosed to the complainant, that in order to avenge the murder of Sagar Jadhav, the said two juvenile accused and two others i.e. the present applicant and Sachin Jadhav committed the murder of Onkar. Pursuant to the said information, the police visited the spot and sent the body for postmortem, after completing the inquest panchanama.

4. Learned Counsel for the Applicant states that there is no material to connect the present applicant with the alleged offence. He submitted that there are no eye witnesses and the prosecution case rests entirely on circumstantial evidence. He submitted that there is no recovery of any weapons/clothes at the instance of the applicant and neither there is any motive qua the present applicant. He submitted that there is recovery of

clothes from the co-accused – Rakesh Gaikwad.

5. Learned APP is unable to show any material qua the applicant which connects the applicant with the alleged offence. She submits that the only material as against the present applicant is the alleged disclosure made by the juvenile accused to the complainant.

6. Perused the papers. Except the statement made by the co-accused to the complainant, prima-facie, there is no material to connect the applicant with the alleged offence. Considering the aforesaid and the fact that the investigation is complete and charge-sheet is filed, the Applicant is enlarged on bail on the following terms and conditions :-

ORDER

- i) The Applicant is enlarged on bail on furnishing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer

of the Baramati Taluka Police Station, Pune ;

- iii) The Applicant shall attend the Baramati Taluka Police Station, Pune on the first Saturday of every month, between 10.00 a.m. to 11.00 a.m., for a period of 12 months from the date of his release ;
 - iv) The Applicant shall not tamper or attempt to contact or influence the complainant or any persons concerned with the case;
 - v) The Applicant shall co-operate in the conduct of the trial.
7. The Application is allowed and disposed of in above terms.
8. Needless to observe, that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.
9. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.