

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

CRIMINAL BAIL APPLICATION NO.1123 OF 2015

Rahul Rajaram Bhosale

...Applicant

Versus

State of Maharashtra

...Respondent

.....

Mr. Balasaheb R. Deshmukh for the Applicant.

Smt. Veena Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 16th NOVEMBER, 2015.

P. C. :

This an application for bail filed by the aforesaid Applicant, who is an accused No.2 in Crime No.221 of 2014 registered by Daund police station under section 302, 394, 397, 201 r/w. Section 34 of the IPC.

2. Heard the learned counsel for the Applicant-accused No.2 and the learned APP for the State. Perused the records. The records prima facie reveal that one Mohan Baban Kalbhor had lodged a report dated 2nd July, 2014 that on 2nd July, 2014 at about 1.15 a.m. one Bayani Ramlu Hanumantu, driver of DCM tempo was murdered by three

unknown persons. Pursuant to the report lodged by said Mohan Baban Kalbhor aforesaid FIR came to be registered. In the course of the investigation three persons viz. Ankarshan @ Ankarsha Navnath Pawar, Santosh @ Gotya Ahirya Pawar and Kiran Kale came to be arrested. It is the case of the prosecution that aforesaid three persons were involved in committing murder of Bayani Ramlu Hanumantu. It is alleged that the present Applicant-accused No.2 was found in possession of the Mobile phone of the deceased. The allegation against the Applicant-accused from the charge-sheet reveals that the assailants had sold the stolen mobile to the accused No.2, the Applicant herein and that he tried to destroy the same. In other words, the case of the prosecution is that accused Nos.1, 3 and 4 were involved in committing murder as well as committing offence under sections 394 and 397 of the IPC whereas the only allegation against the accused No.2 is that he had purchased the stolen mobile from the accused and later destroyed it.

3. Considering the nature of allegations levelled against the Applicant and also considering the fact that the investigation is complete, in my considered view presence of the Applicant is not required in the custody and he is entitled for bail.

4. Under the circumstances, the application is allowed. The Applicant is ordered to be released on bail on furnishing bail bond of Rs.20,000/- with one surety in the like amount to the satisfaction of the Judicial Magistrate, First Class, Daund. The Applicant shall not leave the jurisdiction of Judicial Magistrate, First Class, Daund for a period of two months without prior permission of the Judicial Magistrate, First Class, Daund.

(ANUJA PRABHUDESSAI, J.)