

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

CRIMINAL BAIL APPLICATION NO. 1614 OF 2015

Rahul Bhaguji Barawkar	.. Applicant
v/s.	
The State of Maharashtra	.. Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 1788 OF 2015**

Nitin Bhaguji Barawkar	.. Applicant
v/s.	
The State of Maharashtra	.. Respondent

Mr. Vikas B. Shivarkar for the Applicants.
Mrs. Veera Shinde APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th DECEMBER, 2015.**

P.C.

1. These are bail applications filed by the aforesaid applicants apprehending their arrest in C.R. No.50 of 2015 registered at Wadgaon Nimbalkar Police Station, Pune, for offence punishable under section 302 r/w 34 of the Indian Penal Code.

2. The case of the prosecution in brief is that on 20th March, 2015 between 11.45 a.m. and 12.00 noon, the applicants committed murder of Satish Baravkar. Pursuant to the FIR lodged by Mr.Ashok Chandrakant Baravkar, the aforestated crime came to be lodged against these applicants. Both the applicants were arrested on 20th March, 2015. It is reported that the investigation is completed and charge sheet is filed before the JMFC, Baramati bearing R.C.C. No.293 of 2015.

3. The applicants herein had filed bail applications before the Sessions Court, Baramati, and the said applications came to be dismissed by orders dated 29/07/2015 and 27/08/2015. The applicants have, therefore, filed these applications under section 439 of the Criminal Procedure Code for bail.

4. Mr. Vikas B. Shivarkar, learned counsel for the applicants, has submitted that the material on record does not prima facie disclose the offence under section 302 of Indian

Penal Code. He has submitted that the applicants are in custody since 20rd March, 2015 and that the investigation having been completed, the presence of the applicants is no longer required in custody.

5. Mrs. Veera Shinde, the learned APP for the State, has submitted that the applicants are involved in committing offence under section 302 of the Indian Penal Code and considering the gravity of the offence, the applicants are not entitled for bail.

6. I have perused the record and considered the submissions advanced by the learned counsel for the applicants and the learned APP for the State. The statement of Mohan Baravkar, eye-witness to the incident, prima facie reveals that on the relevant date, he along with Mr. Nitin had gone to Kaushalya Beer Bar. The deceased Satish Baravkar and Pramod Hirve were also present in the said Bar. The statement of this witness further reveals that after they had left the said Bar, said Satish Baravkar started abusing Nitin

and as a result, there was scuffle between Nitin and Satish. The statement of this witness further reveals that the applicant Rahul Barawkar had come to this spot and tried to intervene and as he was talking to Nitin, the deceased Satish once again started abusing him in filthy language. On hearing the abusive words, Nitin got annoyed and assaulted Satish by stick and blows. He further states that Rahul also assaulted Satish as he was annoyed because of abusive language used by Satish. The record, therefore, reveals that Nitin and Satish had gone away from the incident. Satish had continued sitting on the steps of Bar. The record further reveals that thereafter, at about 3.00 p.m., the owner of the Hotel saw said Satish lying near the steps of his hotel. Satish was taken to the hospital, where he was declared dead. The Post-Mortem Report reveals that the death of Satish was due to intra abdominal haemorrhage as a result of splenic injury.

7. The nature of the allegations levelled against the applicants, in my considered view, would not prima facie

attract the provisions of section 302 of the IPC. Considering the fact that the applicants are in custody since 20rd March, 2015 and that the investigation is completed, in my considered view, the presence of the applicants is no longer required in the custody. The applicants are permanent residents of Baramati, Dist. Pune, and there are no chances of these applicants absconding and hampering the trial.

8. Under the circumstances, the applications are allowed on the following terms:-

I) The applicants are ordered to be released on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like amount.

II) The applicants shall not interfere with the complainant and the other witnesses and will not tamper with the evidence, in any manner.

III) The applicants shall attend the hearing finally before the trial Court and, thereafter, before the Sessions Court on each and every date of hearing of the case.

(ANUJA PRABHUDESSAI, J.)