

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO.2690 OF 2014
WITH
CRIMINAL APPLICATION NO.197 OF 2015**

Mangesh Dnyaneshwar Hande ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Priyal G. Sarda, for the Applicant.

Ms. Veera Shinde, APP for Respondent – State.

Ms. Rohini Wagh i/b. Mr. Manoj Bachate, for the complainant in Criminal Application No. 197 of 2015.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 01, 2015

PC.:

. The application is moved for bail. The applicant/accused is facing charges for the offences punishable under Sections 397 and 302 read with 34 of the Indian Penal Code in C.R. No. 73 of 2014 registered with Wadgaon-Maval police station, Pune.

2. The incident of murder has taken place on 11th April, 2014 and the first information report was lodged on 12th April, 2014. The

applicant/accused along with co-accused were arrested on 14th June, 2014. The father of the deceased, Pandharinath Satkar is the complainant. It is his case that on 11th April, 2014 his son Giriraj (deceased) went to his duty at Mahindra company in the afternoon but at night he did not return even he was not contactable. His father therefore went to his company but in vain. On 12th April, 2014 in the morning two persons from the company informed him that his son Giriraj is laying at the open space near Shorp company, Takve-Jambhul road, Tal. Maval. Therefore the complainant went there and he found that his son Giriraj was assaulted. There were many injuries on his face, head and hand. Thereafter, he lodged the complaint. The applicant/accused is inside since then. Hence, this bail application.

3. The learned counsel for the applicant/accused has submitted that the applicant is arrested due to suspicion. There is no evidence against the applicant/accused except the C.D.R. record.

4. The learned prosecutor and the learned counsel appearing on behalf of the complainant have submitted that it is the case of murder. There is evidence of call records collected by the police. The

C.D.R. discloses that applicant/accused and other accused who claims to be juvenile, both were present in the same vicinity where the murder was committed. It is further submitted that at the instance of the other accused i.e. juvenile offender Amit Karale, a gold chain of the deceased was recovered from one jeweller of Ambegaon, Pune. They submitted that the applicant/accused and the juvenile offender Amit were friends and they have committed the murder of the complainant. There were in all 13 injuries on the person of the deceased Giriraj and therefore such an offence can not be committed by one person. It is further submitted that the trial Court has framed charge and the witness summons are issued.

5. Perused the first information report and the papers of investigation which are relied by the prosecution. From the call record, it appears that the applicant/accused and other accused were near the spot of the incident at the relevant time. The evidence of recovery of gold chain is appears to be a very good evidence. However, the recovery is not at the instance of present applicant/accused but at the instance of juvenile offender Amit Karale. *Prima facie* considering all the above circumstances, though the charge is

framed, the trial is not yet commenced. It is informed by the learned prosecutor that there are 54 witnesses and the concerned Court is vacant. Under these circumstances, I am inclined to grant bail to the applicant on some terms and conditions:

6. Hence, I grant bail as under:

- a) The applicant/accused be enlarged on bail upon furnishing P.R. Bond in the sum of Rs. 50,000/- (Fifty Thousand) with one solvent surety in the like amount;
- b) The applicant/accused shall not jump the bail and shall attend all the Court dates regularly;
- c) The applicant/accused shall not contact or pressurize the complainant in any manner;
- d) The applicant/accused shall not indulge in any other criminal activity.

7. The bail application stands disposed of on the above terms. In view of the above, the criminal application No. 197 of 2015 also stands disposed of.

(MRS.MRIDULA BHATKAR, J.)