

Anand

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

**BAIL APPLICATION No.606 OF 2016**

Santosh Janardhan Ghodke .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Ritesh Thobade, Advocate, for the Applicant  
Smt.Veera Shinde, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 23.03.2016**

**P.C.**

. Heard 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.104 of 2015 registered with the Akkalkot  
North Police Station, District – Solapur, for the  
alleged offences punishable under Sections 201 &  
302 r/w.34 of the Indian Penal Code.

3. On 16.06.2015 at about 7.15 p.m. a dead body of a woman was found lying by the side of the Chapalgaon-Hannur road. On receipt of information, the PSO, Akkalkat North Police Station alongwith ASI Rathod visited the spot and found one burnt dead body of a woman lying in the field of one Prashant Shivgunde. Accordingly, an FIR was lodged as against an unknown person. During the course of investigation, it was revealed that the dead body was of one Tarabai, aged 40 years. It was also revealed that Tarabai was having a love affair with the co-accused Narayan Kalbhor and that on the date of the incident, Narayan Kalbhor had brought the deceased Tarabai in a car and had committed the alleged act.

4. Learned counsel for the Applicant submits that the entire prosecution case rests on circumstantial evidence. He submits that the Applicant was only a driver on the said vehicle in

which Tarabai and Narayan were travelling. He submitted that there is no incriminating evidence as against the Applicant. He submits that even the 164 statement which is recorded of the Applicant is exculpatory and does not show the complicity of the Applicant in any way.

5. Learned APP does not dispute the fact that apart from the 164 statement of the Applicant, there is no material to connect the Applicant with the alleged offence. She submits that even in the 164 statement, there is nothing to show that the Applicant had taken part in the commission of the offence.

6. Perused the charge-sheet. It appears that except for the 164 statement, there is no other material to connect the Applicant with the alleged offence. A perusal of the said 164 statement shows that it was the co-accused Narayan Kalbhor, who had

pulled the deceased Tarabai from the car and assaulted the deceased and set her on fire.

7. Considering the material on record, qua the Applicant, the Applicant is enlarged on bail on the following terms & conditions.

**ORDER**

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iii) 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 concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear, that the observations made herein are, *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**