

sas

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO.496 OF 2016**

|                            |               |
|----------------------------|---------------|
| Amol Balasaheb Aadegaonkar | ..Applicant.  |
| V/s.                       |               |
| State of Maharashtra       | ..Respondent. |

Mr.Aniket Nikam i/b. Chetan S. Damre for the applicant.

Mr.Arfan Sait, APP for respondent-State.

**CORAM : A.M.BADAR, J.**

**DATED : 14TH JULY, 2016**

**P.C. :-**

1. The applicant / accused in Crime No.468/2015 for the offence punishable under section 302 read with 34 of the Indian Penal Code registered with Hadapsar Police Station, Pune by this application is seeking his release on bail.

2. The learned counsel for the applicant submitted that there is no legal evidence against the present applicant. As against this, the learned APP opposed the application by contending that the crime in question is serious and, therefore, the applicant is not entitled for bail. The learned

APP apprehends that the applicant may not be available for trial and as such insisted for local surety.

3. Perused the charge-sheet. It is seen from the charge-sheet that Bharat Raut saw a dead body of an unknown person lying in Vetel Baba Vasahat. On his request, Jyoti Pandhare informed the police of finding of dead body with head injuries. Consequently, Roopali Sandip Mali, A.P.I. lodged the F.I.R. leading to registration of the crime in question.

4. According to the prosecution case, accused persons, including the present applicant were smoking *Ganja* ands they demanded money from the deceased for purshasing *Ganja*. The deceased refused to part with the money and, therefore, co-accused assaulted the deceased by smashing his head against the compound wall. Thereafter, accused persons lifted the dead body and threw it in the Nagzari.

5. Perusal of the charge-sheet, prima facie, does not reveal any incriminating circumstance giving reasonable

apprehension of connection of the applicant to the offence punishable under section 302 of the Indian Penal Code. As such, pre-trial detention of the applicant is not warranted and, therefore, the order :-

- (i) The application is allowed;
- (ii) The applicant / accused in Crime No.468/2015 for the offence punishable under section 302 read with 34 of the Indian Penal Code registered with Hadapsar Police Station, Pune be released on bail on his executing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;
- (iv) The applicant / accused shall co-operate for expeditious

disposal of the trial;

(v) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;

(vi) The application is disposed of accordingly.

**(A.M.BADAR, J.)**