

Sachin Sudam Kudale ...Applicant
Versus

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Darshale. Pursuant to the FIR lodged by one Sanjay Darshale, the aforestated crime was registered. The Applicant and the other co-accused came to be arrested and upon completion of the investigation charge-sheet was filed and the case being sessions triable was committed to Sessions Court, Pune. It is stated that the charge has already been framed against the present Applicant and the other co-accused. The Additional Sessions Judge, Pune, vide order dated 15.5.2015 has rejected the application for bail filed by the Applicant herein. Hence, the present application.

3. The learned counsel for the Applicant has submitted that there is no prima facie material to show the involvement of the Applicant in committing the said murder. He has submitted that the prosecution has proceeded on the basis that the deceased had objected the love relations between his cousin sister and the Applicant herein and that there was business rivalry between the Applicant and the deceased. He has submitted that there is no prima facie material to show the motive. He has further submitted that though the prosecution has relied upon the Call Data Records (CDRs) there is no material to show that the said cell phone was used by the Applicant or that the sim card was in the name of the Applicant. He has further submitted that the material relied upon by the prosecution does not

prima facie show that the Applicant had entered into criminal conspiracy to commit murder of Rajesh Darshale.

4. The learned APP has submitted that the Applicant was in constant touch with the other co-accused being contract killers, who had committed murder of said Rajesh Darshale. She has further submitted that the fire arm and a vehicle, which were used in the said crime were recovered at the instance of the accused. Furthermore, the said vehicle was stolen by the Applicant and a crime for committing theft of the said vehicle has already been registered against the Applicant at Bharti Vidyapith Police Station. The Applicant has criminal antecedents and hence, he is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The records prima facie reveal that one Rajesh Darshale had received fire arm injuries and that he had succumbed to the injuries on 18.10.2014. The records prima facie reveal that the Applicant was in love with the cousin sister of the deceased and that the deceased had objected the said relationship. It is also the case of the prosecution that the deceased was having business rivalry with the Applicant. The records prima facie indicate

that the Applicant had hired the co-accused, who were the contract killers to kill said Rajesh Darshile. One of the fire arms used in committing the murder of said Rajesh Darshile was recovered at the instance of the Applicant. The records prima facie reveal that the vehicles used in commission of the offence were recovered at the instance of the Applicant. The records further indicate that after the incident the Applicant was in company of the other co-accused and they were arrested from Gulbarga, Karnataka.

6. The above facts and circumstances, prima facie show the involvement of the Applicant in commission of the said crime. The learned APP has submitted that the Applicant has criminal antecedents. He was involved in Crime No.7 of 2007 for offences punishable under sections 395 and 397 of the IPC. Further the Applicant was also involved in another offence punishable under section 307 of the IPC. The criminal antecedents of the Applicant would not justify grant of bail.

7. Under the circumstances and in view of the discussion supra the application is dismissed.

(ANUJA PRABHUDESSAI, J.)