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

BAIL APPLICATION NO.2238 OF 2015

Sachin @Bitya Ramesh Jadhav	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr.Rahul S. Kate, for the Applicant.

Mr.J.H.Ramugade, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE, J.
DATE : 26th APRIL, 2016**

P.C. :

1. Heard the 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.314 of 2014 registered with the Baramati Taluka Police Station, Pune, for the alleged offence punishable under Section 302 r/w Section 34 of the Indian Penal Code and under Sections 3(2)(v) of the Atrocities Act, 1989.

3. The complainant is one Rashid Vajir Pathan, serving as a Police Naik in Baramati Taluka Police Station, Pune. He has alleged in the FIR which is lodged on 2nd October, 2014, that two juvenile accused – Rahul Jadhav and Rakesh Gaikwad came to the police station and informed him that on 28th May, 2014, five persons including the deceased – Onkar Adagale had murdered Sagar Jadhav (brother of Rahul Jadhav) with sattur and sickle. The two juvenile accused are alleged to have disclosed to the complainant, that in order to avenge the murder of Sagar Jadhav, they alongwith two others i.e. the present applicant and Kiran Pisal committed the murder of Onkar. Pursuant to the said information, the police visited the spot and after completing the inquest panchanama sent the body for postmortem.

4. Learned Counsel for the Applicant submitted that the prosecution case rests entirely on circumstantial evidence. He submitted that there is no recovery or last seen or any other material to connect the applicant with the alleged offence.

5. Learned APP does not dispute the aforesaid fact. He is unable

to show any material qua the applicant which connects the applicant with the alleged offence. He submits that there are 4 antecedents, qua the applicant, out of which in 3 cases the applicant has been acquitted.

6. Perused the papers. Except the statement of the co-accused, there is no material, prima-facie, to connect the applicant with the alleged offence. Although there are antecedents, qua the applicant, the applicant has been acquitted in 3 out of the 4 cases.

7. In the present case, considering the fact that except the statement of the co-accused, there is no material to connect the applicant with the alleged offence and the fact that the investigation is complete and charge-sheet is filed, the Applicant is enlarged on bail on the following terms and conditions :-

ORDER

- i) The Applicant is enlarged on bail on furnishing P.R.Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount ;

- ii) The Applicant shall attend the Baramati Taluka Police Station, Pune on the first Saturday of every month, between 10.00 a.m. to 11.00 a.m., for a period of 12 months from the date of his release;
- 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 Baramati Taluka Police Station, Pune ;
- iv) The Applicant shall not tamper or attempt to contact or influence the complainant or any persons concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial.
- vi) An undertaking to the aforesaid clauses (ii) to (v) shall be filed by the Applicant, in the Trial Court, within two weeks after his release.

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.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.