

Anand

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

BAIL APPLICATION No.2359 OF 2015

1. Ravi Madhukar Jadhav .Applicants
2. Ganesh Madhukar Shinde

Vs.

The State of Maharashtra .Respondent

Mr.Satyavrat Joshi, Advocate, for the Applicants
Mr.Y.M.Nakhwa, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 25.04.2016

P.C.

. Heard learned counsel for the Applicants and the learned APP for the Respondent – State.

2. By this Application, the Applicants seek their enlargement on bail in connection with C.R.No.155 of 2015 registered with the Bharati Vidyapeeth Police Station, Pune, for the alleged offences punishable under Sections 302 & 201 of the Indian Penal Code.

3. Learned counsel for the Applicants submits that the prosecution case rests entirely on circumstantial evidence and that there is no material to connect the Applicants with the alleged offences. He further submits that as far as the Applicant No.2 is concerned, there is no material qua him in the form of recovery, last seen, motive or any other material. As far as the Applicant No.1 is concerned, he submits that although a disclosure statement was made by the Applicant No.1 that he had thrown the credit card, wallet, mobile etc. in the waste paper basket of a shopkeeper, nothing was found pursuant to the said disclosure. He submits that the statement of the shopkeeper-Ankush Babasaheb Madne which is on page No.181 of the Application, shows that nothing was recovered from the spot i.e. from the waste paper basket and as such, the disclosure statement is of no consequence. He submits that there are no antecedents qua the Applicants.

4. Learned APP does not dispute the aforesaid fact. The learned APP is unable to show any material to connect the Applicants with the alleged offences.

5. Perused the papers. It appears prima facie, there are no clinching circumstances which connect the Applicants with the alleged offences. Investigation is complete and charge-sheet is filed. The Applicants have no antecedents.

6. Considering the aforesaid, the Application is allowed and the Applicants are enlarged on bail on the following terms & conditions:

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

(ii) The applicants shall report to the investigating officer of the Bharati Vidyapeeth Police Station, Pune on the **first Saturday of every month** between **10:00 a.m. and 11:00 a.m.** till the conclusion of the trial;

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

(iv) The applicants shall inform their 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;

(v) The applicants to cooperate with the conduct of the trial;

(vi) The Applicants shall file an undertaking with regard to Clause Nos.(ii) to (v) within one week of their release;

(vii) 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.

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

8. 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.)