

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 39 OF 2017

Tulji Rama Bhadange	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Ms. Vrishali R. Raje, Advocate for the applicant.

Mrs. P.P. Shinde, APP, for the State.

Mr. Dilip J. Varkhande, P.N. Talasari Police Station present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 24th March, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 15.2.2014 in Crime No.26 of 2014 registered at Talasari Police Station. The investigation is completed and charge sheet is filed against the accused and others on 12.5.2014 for the offences punishable under Sections 302, 201, 379 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 11.2.2014, the dead body of Ranjit Gimbhal was found on Mumbai Gujarat Highway road. The wife of the deceased was informed by her son. She saw her deceased husband and lodged a report at the police station on 11.2.2014 that her husband has died a homicidal death at the hands of some unknown persons.

3. In the course of investigation, the statements of the witnesses was recorded. The investigating Officer has recorded the statement of one Laxmi Shankar Wadia who was known to deceased as well as to the applicant and other accused persons. She was selling toddy. According to her, on 10.2.2014, the present applicant had visited her house, purchased two litres of toddy and had consumed same along with Mulji Sakharam and her husband Shankar. She has further disclosed that the deceased had also visited the said spot and had consumed toddy. She has further disclosed that there was some verbal altercation between the deceased and Mulji. She and her husband had pacified the quarrel and had asked Ranjit to go home. She had also asked Mulji and the present applicant to go home and she had actually seen them going home on a bicycle. Thereafter, Ranjit had again come to her house. Sakharam and Ranjit were talking near her hut. Thereafter, they had been to the shop of one Mohan Kothari and purchased some eatables.

4. The learned APP submits that the applicant was last seen in the company of the deceased. Upon perusal of the statement of Laxmi, it is more than clear that deceased was lastly seen in the company of Sakharam. There is also material on record to show that Sakharam had given a call to the applicant when he was at home and had called him to meet. It therefore

appears that deceased had visited the hut of Laxmi at the behest of Sakharam who continued to be in the company of deceased even after the applicant and Mulji had left the spot.

5. There are no criminal antecedents. Upon considering the material on record and the fact that the applicant has been in custody for almost 3 years without trial, this Court is of the opinion that the applicant deserves to be enlarged on bail.

6. The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be considered by the learned Sessions Judge at the time of trial. It is further made clear that the none of the co-accused shall claim parity with the present application.

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

(iii) The applicant shall report to the concerned police station on first Sunday of each month till framing of charge and thereafter attend all stipulated dates before the learned Sessions Court. Upon failure to attend

any two consecutive dates at the time of trial, the learned Sessions Judge shall issue non-bailable warrant and take the applicant into custody.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)