

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 677 OF 2017**

Pravin Satyawar Lole	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Abhijeet A. Desai for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

PSI Mr. Kharat P.N., from Shirwal Police Station, Khandala, Satara, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 14th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 148 of 2016 registered with the Shirwal Police Station, Satara, for the alleged offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that there is no legally admissible evidence to connect the applicant with the alleged offence. He

submits that the applicant, a preacher, has been falsely implicated with the other co-accused. He submits that the applicant has no antecedents.

4. Learned A.P.P opposed the application. She submits that the DNA report, which is received shows that the dead body is that of Chandrakant. She submits that on 21st August, 2014, the deceased-Chandrakant had raped and murdered Sunanda Lole (mother of co-accused-Sunny Lole), pursuant to which, the deceased was arrested in connection with C.R. No. 85 of 2013. She submitted that Sunanda Lole was murdered on a Raksha-Bandhan day and hence, all the accused decided to kill the deceased on a Raksha-Bandhan day i.e. 18th August, 2016.

5. The prosecution case rests entirely on circumstantial evidence. On 18th August, 2016, deceased-Chandrakant went missing from his house at Panawadi, Pune; on 26th August, 2016, a missing report was lodged by Chandrakant's wife with the Shirwal Police Station; on 5th September, 2016, the dead body of Chandrakant was found at Mane Colony, Shirwal; on 7th September, 2016, Chandrakant's wife identified the skeleton on the basis of the clothes, as being of her husband Chandrakant; on 23rd

September, 2016, Chandrakant's wife lodged a complaint/FIR as against 5 persons (not the applicant). It appears that subsequently, during investigation, the applicant was arraigned as an accused in the said case. There is no evidence of last-seen as against the applicant. Ratnabai Kamthe, the grandmother of the deceased, has in her statement stated, that her grandson-Chandrakant left on the Raksha-Bandhan day at about 7:00 a.m. She has further stated that the present applicant was in his Swift Car alongwith other co-accused and that they went in the direction of Saswad. Admittedly, the deceased had gone to his sister-Chandrahaga Lole's house for Raksha-Bandhan at Pagewadi, Purandar and after tying Rakhi, left on his motorcycle. The sister does not talk about seeing the applicant at the spot, following the deceased. Nothing incriminating has been recovered at the instance of the applicant. Investigation is complete and charge-sheet is filed. There are no antecedents *qua* the applicant.

6. Considering the material on record, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number 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 applicant to cooperate with the conduct of the trial and to attend the Court proceedings on every date;

(vi) The applicant shall file an undertaking in the trial Court with regard to clauses (ii) to (v), within two weeks of his 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.

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

REVATI MOHITE DERE, J.