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

CRIMINAL BAIL APPLICATION NO.821 OF 2017

Sandip Ramesh Gangurde

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.A.U.Nikam, i/b Mr.Aashish Satpute, for the Applicant.

Ms.Anamika Malhotra, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 20th JUNE, 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.3 of 2016 registered with the Trimbakeshwar Police Station, Nashik, for the alleged offences punishable under Sections 302, 109, 201, 202, 212, 34 of the Indian Penal Code and under Section 3(25) of the Arms Act.

3. Learned Counsel for the applicant submits that there is no material to connect the applicant with the alleged offences. He submitted that the name of the applicant has cropped up in the statement of the co-accused, which is inadmissible. He submits that there is no recovery of any weapon or clothes at the instance of the applicant nor is there evidence of last seen or any other material to show the complicity of the applicant. He submitted that the applicant has no antecedents. He submitted that similarly placed co-accused - Kishor Sukhdev Gaikwad has been enlarged on bail by this Court (Coram : Mrs.Mridula Bhatkar, J.) vide order dated 22nd March, 2017, passed in Criminal Bail Application No.2378 of 2016.

4. Learned APP does not dispute the aforesaid.

5. Perused the papers. The incident has taken place on the intervening night of 31st December 2015 and 1st January, 2016. In the said incident, two persons, Arjun Avhad and Nikhil Gavale are alleged to have been shot by the accused. Admittedly, the prosecution case rests on circumstantial evidence. Learned APP is unable to show any circumstance to connect the applicant with the alleged offences. Admittedly, there is no

recovery at the instance of the applicant nor is there evidence of last seen or any other material to show the complicity of the applicant. The role of the applicant is similar to that of co-accused - Kishor Gaikwad, who has been enlarged on bail. The applicant's name has cropped up in the statement of the co-accused, which is inadmissible. There are no antecedents, qua the applicant. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;
- ii) The Applicant shall appear before the trial Court on every date of hearing;
- iii) The Applicant shall not contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed and disposed of in above terms.
8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)