

Anand

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

BAIL APPLICATION NO.977 OF 2017

Subhash Maruti Bhambure .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
BAIL APPLICATION NO.1008 OF 2017**

Anil Dyaneshwar Bhujbal .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.S.V.Kotwal i/b. Mr.J.J.Bardeskar, Advocate, for the
Applicants in both matters
Mr.S.S.Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 04.05.2017

P.C.

. B.A.No.1008 of 2017 is not on board. Taken on board.

2. Heard learned counsel for the parties.

3. By these Applications, the Applicants seek their
enlargement on bail in connection with C.R.No.546 of 2016
registered with the Khed Police Station, Pune, for the alleged

offence punishable under Section 302 r/w. 34 of the Indian Penal Code.

4. Learned counsel for the Applicants submit that there is no material to connect the Applicants with the alleged offence. They submit that the only allegation of motive, is also not borne out by the material on record. Learned counsel for the Applicant in B.A.No.977 of 2017 states that as far as Applicant - Subhash is concerned, no motive is alleged against him. He submits that admittedly, the Applicant had no connection concern with the alleged transaction entered into between the Applicant - Anil and others and the Complainant.

5. Learned APP does not dispute the fact, that apart from motive with respect to the property, there is no other material to connect the Applicants with the alleged offences.

6. Perused the papers.

7. The incident in question has taken place on 15.12.2016 and the dead body of the deceased was found on 16.12.2016. The prosecution case rests entirely on

circumstantial evidence. The entire evidence as against the Applicants is an alleged motive. According to the Complainant - Krishna, who is the son of the deceased, the Complainant's hotel was given on rent to the Applicants, however, the accused mis-represented and executed a Sale deed, instead of an Agreement for taking the premises on rent. The said Sale deed is a registered document. It also appears that there was some dispute with regard to taking possession of the hotel and that the accused had forcefully taken possession of the said hotel and had demolished it. Apart from the said evidence of alleged motive, there is no other material to connect the Applicants with the alleged offence i. e. either of last seen, CDR records, recovery etc.

8. Considering the aforesaid, the Applications are allowed and the Applicants are enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicants be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- each with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station on the **1st Monday** of

every month from 10.00 a.m. to 12.00 noon, till the conclusion of the trial;

(iii) The Applicants shall not tamper with the evidence 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 Clauses (ii) to (v) within two weeks of their release in the trial Court;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

9. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

10. 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.)