

Dond

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

BAIL APPLICATION NO. 1675 OF 2017

Sunil Gorakh Jadhav

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Aniket Nikam i/b Aashish Satpute for Applicant.

Mr. Ajay Patil for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 13th NOVEMBER 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 619 of 2015 dated 17.11.2015 registered with Pimpri Police Station, Pune under Sections 302, 120-B, 143, 149 , under Sections 4 (25) of the Arms Act and under Section 37(1), 135 of the Bombay Police Act.

2] It is the prosecution case that, the deceased Chetan Mohite had assaulted juvenile accused Ajay Kamble on earlier occasion and therefore the applicant along with other six accused persons on 16.11.2015 after 7.00 p.m. committed murder of Chetan Mohite by using stones, cement block,

sword and threw the body of Chetan in nearby a nala. The first information report is lodged by Kalu S. Mohite, brother of deceased Chetan Mohite. During the course of investigation, it was revealed that, the present applicant and co-accused Vikas Oval alongwith five other juvenile accused persons have committed the said crime. The applicant was arrested on 19.11.2015. After completion of investigation, the police have submitted chrgesheet.

3] The present case is based on the circumstantial evidence. The prosecution mainly propounded two circumstances against the applicant, namely (i) last seen together and (ii) recovery of sword and blood-stained pant at the instance of the applicant.

As far as the first circumstance of last seen together is concerned, the witness Datta Deokar has stated that he saw the applicant in the company of deceased Chetan Mohite at about 7.00 p.m on 16.11.2015. That both were cheatchating. The dead body of Chetan Mohite was found at about 5.00 p.m on 17.11.2015. Thus, prima facie it appears that there is a gap of about 22 hours after the said witness Datta Deokar saw the applicant last in the company of deceased Chetan.

As far as recovery of sword at the instance of the applicant is concerned, the Medical Officer has expressed his opinion about cause of injuries and about probable weapon for causing injuries is “hard and blunt” object.

As far as the recovery of blood-stained pant at the instance of the applicant is concerned, till date the chargesheet is silent about any Chemical Analyzer's report indicating matching of the blood group.

4] After taking into consideration the facts and circumstances of the present case as observed hereinabove, this Court is of the opinion that the applicant can be released on bail..

Hence the following Order:

(i) The applicant be released on bail in CR No. 619 of 2015 registered with Pimpri Police Station, Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the concerned Police Station every 1st Monday of the month between 10.00 a.m. To 2.00 p.m.

(iii) Applicant shall not tamper with the evidence and/or

influence the prosecution witnesses.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)