

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

BAIL APPLICATION NO.1880 OF 2016

Shri Pandurang Baban Chandilkar

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Vaibhav V. Ugle for the Applicant

Mr.Rajan Salvi, APP, for Respondent – State

Mr.N.S. More, PSI, Paud police station, Pune – present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 24, 2017

P.C. :

1. The incident in this case has taken place on 23.12.2012 and pursuant to which the offence was registered at C.R. No.198 of 2012 under sections 302, 120B, 143, 147, 148 and 149 of the Indian Penal Code and under section 4(27) of the Indian Arms Act. It is the case of the complainant that one Santosh Pandurang Chandilkar that his family and the family of his cousin Hanumant had dispute on account of land. Earlier, both the families had criminal cases against each other the incident of murder took place on 23.12.2012. 5 to 6 days prior to that, Dattatray Ramchandra Chandilkar had conspired with one Santosh @ Luby

Chintamn Chandilkar and other person about eliminating Laxman Ramchandra Chandilkar and his family members and Dattatray paid money for the same to Santosh and others. Pursuant to that, on 23.12.2012, at around 6.30pm, Hanumant Chandilkar was assaulted by Santosh Chandilkar, Mangesh Pandurang Chandilkar, Mahesh Madhukar Chandilkar, the present applicant/accused Pandurang Baban Chandilkar and Ramdas Baban Jadhav with sickles. Hanumant succumbed to the injuries and hence, the offence was registered as mentioned above. The applicant/accused was arrested on 3.1.2013 and hence, this Bail Application.

2. The learned Counsel for the applicant/accused has relied on the order dated 19.11.2014 passed in Bail Application No.1764 of 2014 wherein this Court had directed the Sessions Court, Pune to commence and complete the trial at the earliest. The learned Counsel submitted that charge is framed on 24.8.2016 and till today, there is no progress in the matter. He further relied on the judgment of this Court dated 30.3.2016 wherein Dattatray Chandilkar, who is facing allegations of hatching conspiracy and paying money for the contract killing, is released on bail. The

learned Counsel further submitted that in a supplementary statement, Santosh Chandilkar, the complainant, did not attribute any role of assault to the present applicant/accused. There is no evidence against the applicant/accused except the recovery of sickle and blood stained clothes, as also there is no C.A. Report.

3. Learned Prosecutor has opposed the application. He submitted that the charge is framed, however, trial has not yet begun. He submitted that Santosh Chandilkar is an eye witness who has seen the incident. He confirms that no witness is examined till today. Further, witness summons are also not issued.

4. Perused the FIR dated 23.12.2012 wherein the complainant Santosh has mentioned that the applicant/accused Pandurang Chandilkar was holding sickle and assaulted the deceased Hanumant. However, his supplementary statement was recorded on 24.12.2012 and he has corrected his complaint in his supplementary statement. He has mentioned that only two persons i.e., only Santosh Lubiya Chintaman Chandilkar and one unknown boy, have assaulted Hanumant on his head with a sickle and at that time, the applicant/accused along with Mangesh Chandilkar, Mahesh Chandilkar and Ramdas Jadhav were

standing with sickles and were instigating the assailants and thereafter they all went away. Apart from the complainant, there is no other eye witness. The sickle and the blood stained clothes were recovered from the applicant/accused.

5. However, in view of the statement of the applicant/accused and considering the other circumstances, i.e., though the earlier order of this Court directing the trial Court to commence the trial and order of bail granted by this Court on 30.3.2016, I hereby allow this application on the following terms:

- a) The applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with one or two solvent sureties in the like amount;
- b) The applicant/accused shall not enter the local limits of the village Lavale, till the disposal of the case.
- c) The applicant-accused shall not tamper with the evidence or pressurise the complainant or the witnesses;
- d) The applicant-accused shall not indulge into any criminal

activity and shall attend on all the Court dates;

e) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.

f) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)