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

BAIL APPLICATION NO. 2359 OF 2017

Pravin @ Zingrya Mahadev Kadam & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr. A.P. Mundargi, Senior Counsel i/b Jayant Bardeskar for Applicants.

Mr. S.H. Yadav, APP for State.

Mr. P.M. Patil for Intervener.

Mr. Haridas S. Bochare, P.S.I., Pimpri Police Station, Pune City present.

CORAM : A.S.GADKARI, J.

DATE : 6th DECEMBER 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 201 of 2017 dated 17.04.2013 registered with Pimpri Police Station, Pune under Sections 143, 147, 148, 149, 302, 323, 342, 506 of the Indian Penal Code.

2] Heard the learned Counsel for the applicants and the learned APP. Perused the chargesheet.

3] It is the prosecution case that, due to political enmity between co-accused Kalya @ Sandip Kalapure and deceased namely Suhas Haldankar, the applicant along with co-accused on 9.4.2017 at about 10.00 p.m committed murder of Suhas Haldankar with the aid of cement blocks which were lying on the road. The first information report is lodged by Hrishikesh Kate, eye-witness to the incident. During the course of investigation, applicants namely Pravin Kadam and Ganesh Jadhav were arrested on 10.4.2017 and 11.4.2017 respectively. After completion of investigation, police have submitted chargesheet,

4] The record indicates that, there are 3 alleged eye-witnesses who have implicated the applicants as the persons assaulted deceased Suhas Haldankar along with other co-accused with the aid of cement blocks, fist and kick blows. The record further indicates that there are 10 other eye-witnesses who have named only three accused namely Kalya @ Sandip Kalapure, Pratul Ghadge and Abhijeet Kalapure as the persons who had initially a tiff with the deceased Suhas and thereafter they dragged him near a public lavatory. The said ten witnesses have not named the applicants as the persons who assaulted deceased with cement blocks and/or fists and kick blows. Co-accused Sadguru Kadam who has also been

named by the said 3 witnesses namely Hrishikesh Kate, Datta Ingale and Shailesh Aakunthe as the persons who hit the deceased with cement blocks on his head has been released on bail by the Trial Court by its Order dated 21.7.2017. The Trial Court while releasing the said accused on bail, has observed that, CCTV footage collected by the Investigating Agency does not reflect the identity of the said accused/Sadguru Kadam and other eye-witnesses have named only first three accused persons as assailants as stated hereinabove.

5] In the present case, apart from aforesaid three eye-witnesses, other set of 10 witnesses have not named the applicants, present near the scene of offence. The record indicates that, it is the said three accused persons namely Kalya @ Sandip Kalapure, Pratul Ghadge and Abhijit Kalapure who obstructed the vehicle of deceased Suhas Haldankar and initially quarreled with him and thereafter dragged him near a public lavatory. As noted earlier, other 10 eye-witnesses have not named the present applicants as were present near the scene of offence and it is only the aforestated 3 eye-witnesses have named the present applicants stating that they were present at scene of offence. In view thereof, the applicants can be released on bail.

Hence, the following Order:

- (i) The applicants be released on bail in CR No. 201 of 2017 registered with Pimpri Police Station, Pune on their furnishing PR bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.
 - (ii) After their release from jail, the applicants shall attend the Pimpri Police Station on every alternate Monday between 10.00 a.m. to 1.00 p.m.
 - (iii) Applicants shall also attend all dates before the Trial Court.
 - (iv) Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.
- 6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)