

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION No. 2216 OF 2016

Angad Keshav Jadhav	... Applicant
Vs.	
The State of Maharashtra	... Respondent

WITH
CRIMINAL BAIL APPLICATION No. 2215 OF 2016

Jaywant Bapu Bhusare	... Applicant
Vs.	
The State of Maharashtra	... Respondent

WITH
CRIMINAL BAIL APPLICATION No. 2217 OF 2016

Govind Namdev Jadhav	... Applicant
Vs.	
The State of Maharashtra	... Respondent

WITH
CRIMINAL BAIL APPLICATION No. 2218 OF 2016

Bapu Suryabhan Bhusare	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. V.V. Purwant, Advocate for the Applicant in all the Bail Applications.
Mr. Rajan Salvi, APP, for Respondent – State in BA/2216/2016 and BA/2218/2016.
Mr. Vinod Chate, APP, for Respondent – State in BA/2215/2016 and BA/2217/2016.
Mr. Madhukar Pawar, P.I. Vairag Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **12th January, 2017.**

P.C.:

These Applications are moved by the applicants/accused under

section 439 of Criminal Procedure Code. All the applicants are prosecuted for the offences punishable under section 302 r/w. 34 of Indian Penal Code. It is the case of the complainant Mr. Yemanelo Gabriel Fernandes that he started the water plant in the year 2015 at Village Vairag, District Solapur. One of the applicants/accused, i.e., Govind Namdev Jadhav initially started working as Manager in the said plant. Thereafter applicant/accused Jaywant Bapu Bhusare was appointed as Manager. The complainant noticed that the business of water plant decreased and he did not earn any income out of the plant. Moreover he had to spend money and he was in loss. Other applicants/accused were also working at the plant. The complainant found that Manager Jaywant Bhusare had committed a fraud by selling the water containers to other persons and did not deposit the sale proceeds with the complainant. Therefore, his brother Dominik Gabriel took charge of the plant and he himself took interest in the plant. The applicants/accused gradually left the job after picking up quarrel with Dominik Gabriel. On 29th June, 2016 Dominik stayed at the bungalow near water plant and had talked to his wife at around 8 p.m. On 30th June, 2016 at around 8.15 a.m. the complainant got message that his brother Dominik Gabriel was murdered at the bungalow near water plant. The complainant realized that the applicants/accused Jaywant Bhusare, Angad Keshav Jadhav, Govind Namdev Jadhav and Bapu Bhusare, residents of Chilavadi, had become hostile as they could not earn money

out of fraud because of vigilance of Dominik Gabriel. So the applicants killed Dominik Gabriel by assaulting him with cement bricks. Pursuant to the information given by the complainant, the offence was registered at C.R. No. 150 of 2016 with Vairag Police Station under section 302 r/w. 34 of the Indian Penal Code. The applicants/accused were arrested on 1st July, 2016 and since then they are in prison. Hence, this Bail Application.

2. The learned counsel for the applicants/accused has submitted that there is no evidence against the applicants/accused. The applicants/accused are involved in this offence out of suspicion. The report of finger print expert which is called by the prosecution is negative.

3. Learned APP opposed the Bail Application. On instructions from the Investigating officer, he submitted that except the complaint and the statements recorded of the witnesses like Uttam Shivdas Gothre, Datta Sandipan Chavan, Nandkumar Balasaheb Patil and Samadhan Limbraj there is no evidence against the applicants/accused. He confirmed that the report of finger print expert is negative.

4. Perused the FIR, statements of the witnesses which are produced by the prosecution and the submissions of learned counsel for the applicant. The death of Dominik Gabriel was caused due to cardio

respiratory failure due to intracranial haemorrhage due to head injury. It is transpired from the statements of the witnesses and the complainant that there was strong motive of the applicants/accused to commit murder of Dominik Gabriel. However, apart from the motive, learned APP, after taking instructions from the Investigating officer, could not point out any other evidence against the applicants/accused. I am informed that charge sheet as also the supplementary charge sheet under section 173 of Cr. P.C. are filed, however, no evidence is pointed out by learned APP. Under such circumstances, I allow these Bail Applications on the following terms and conditions

ORDER

1. The applicants/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.40,000/- each with one or two sureties in the like amount;
2. The applicants shall not pressurize the witnesses or the complainant.
3. The applicants shall not tamper with the evidence.
4. The applicants shall attend all Court dates.
5. The applicant shall not abscond or leave India without prior permission of the Court and furnish their permanent address to the Investigating Officer alongwith documentary proof of their address;

6. 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.
7. The Applications for bail stands disposed of on above terms.
8. Registrar (Judicial) is directed to send this order to Superintendent of Police, Solapur.

(MRIDULA BHATKAR, J.)