

Anand

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

BAIL APPLICATION NO.2499 OF 2016

Ramesh Suresh Koli

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Satyavrat Joshi, Advocate, for the Applicant

Mr.Rajan Salvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 17.04.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.155 of 2015 registered with the Bharti Vidyapeeth Police Station, Pune, for the alleged offences punishable under Sections 302 & 201 of the Indian Penal Code.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that similarly placed co-accused have been enlarged on bail by this Court and the Sessions Court. He submits that the only material qua the Applicant is that he

came in a car after the alleged incident, pursuant to which, all the accused carried the dead body in the car and disposed of the same.

4. Learned APP does not dispute the aforesaid.

5. Perused the papers.

6. The prosecution case rests on circumstantial evidence. It is not the prosecution case that the Applicant was concerned with the murder of the deceased. The only allegation against the Applicant is that he came in a car, after which all the accused kept the dead body in the car and disposed of the said dead body. Learned APP is unable to show any other material apart from the aforesaid to connect the Applicant with the alleged offences.

7. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR

Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The Applicant shall attend the concerned Police Station on the **first Saturday of every month** between **10:00 a.m. to 11.00 a.m.** till the conclusion of the trial;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his 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 Applicant to cooperate with the conduct of the trial;

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

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. 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.)