

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

BAIL APPLICATION NO.1053 OF 2018

Jaypal Bhimsingh Girase	...Applicant
Versus	
The State of Maharashtra	...Respondent

.....

Mr. R.B. Raghuwanshi I/b. Mr. Ratnesh Dube for the Applicant.
Mr. Rajan Salvi, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th SEPTEMBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No.9 of 2017 pending before the Additional Sessions Judge, Islampur. The aforesaid case arises from Crime No.241 of 2016 registered with Islampur police Station, District-Sangli, for the offences punishable under Sections 143, 147, 148, 302, 307, 452 r/w. 149 of the Indian Penal Code and Sections 3, 25 and 27 of the Arms Act.

2. Heard Mr. R.B. Raghuwanshi, the learned counsel for the Applicant and Mr. Rajan Salvi, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Sambhaji Dadaso Khandagale, brother of the deceased. Perusal of the FIR reveals that there is some previous animosity between the accused No.1-Bhauso and the deceased Santaji. The FIR states that on 1.12.2016 at about 7.30 p.m. co-accused Bhauso and 3 others came to the house of the deceased-Santaji and committed his murder by inflicting injuries by sharp weapon-Sattur. It is alleged that thereafter the said assailants had fired gun shots towards the first informant and that thereafter they gone away from the place of the incident by a motorcycle. In the course of investigation, the co-accused Bhauso and two assailants and the Applicant have been arrested. The role attributed to the Applicant in the offence is that he had helped the assailants to go away from the place of the incident. It is to be noted that the only material against the Applicant is in the form of the statement of one Shivaji, to whom the Applicant had allegedly made extra judicial confession. Said statement was recorded on 17.12.2016. Apart from the said statement there is no other prima facie material to show the involvement of the Applicant in the said crime. It is also to be noted that the Sessions Court has already released one of the co-accused, who was allegedly involved in inflicting injuries on the

deceased. The State has not challenged the said order. The Applicant is the permanent resident of the State, hence there are no chances of his absconding or thwarting the course of justice. Even otherwise his presence can be secured by imposing stringent conditions. The Applicant is in custody since 13.12.2016. Considering the role attributed to the Applicant, in my considered view this is a fit case for grant of bail.

4. Under the circumstances and in view of discussion supra, the application is allowed on following terms and conditions:-

- (i) The Applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.1,00,000/- with one or two solvent sureties in the like amount to the satisfaction of the concerned court.
- (ii) The Applicant shall not enter village Retharedharan Taluka-Walwa, District-Sangli until further orders.
- (iii) The Applicant shall report to senior officer of Nandurbar Police Station on first Monday of every month until further orders.
- (iv) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact

details to the concerned Investigation Officer.

- (v) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.
- (vi) In the event, the Applicant feels to report, the Senior P.I. shall report the same to the Investigation Officer or Senior P.I. of Islampur police station.
- (vii) The Applicant to file an undertaking before the Trial Court that he will comply with all the conditions mentioned above.

(SMT. ANUJA PRABHUDESSAI, J.)