

Anand

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

BAIL APPLICATION NO. 826 OF 2018

Pramod Sambhajirao Jadhav .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. S. Bhandare i/b. Mr. N. Chomal, Advocate, for the Applicant
Mr. S. S. Pednekar, APP, for the Respondent – State

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 05.07.2018

P.C.

. Heard learned counsel for the Applicant and the learned
APP for the Respondent – State.

2. This is an Application under Section 439 of the Code of Criminal Procedure. The Applicant herein is arrested on 16.10.2017 in C. R. No. 285 of 2017, registered at Indira Nagar Police Station, Nasik for the offence punishable under Section 302 r/w 34 of the Indian Penal Code. The investigation is completed and charge-sheet is filed on 11.01.2017.

3. The case of the prosecution is that on 16.10.2017, Sanjay

Dattatraya Borse lodged a report at the police station alleging therein that he shares the room with Vishal and his mother – Sunanda. That on 15.10.2017, Vishal as well as Sanjay had left in their respective Rickshaws, as they are Rickshaw drivers. That he returned in the evening at 6.30 p. m.. Mother of Vishal had informed him that Vishal had returned home at 6.30 p. m.. However, he had left the house in the company of his friends Sagar Shinde, Deepak Pagare and Pramod Jadhav. At about 10.30 p. m., the first informant received a message that Vishal is seriously injured and is admitted in the hospital. He had rushed to the spot and had found Vishal in an injured condition. He has seen that his throat was slit and that he was lying in a pool of blood. Vishal was taken to the hospital, where he was declared dead. On the basis of the said report, the offence is registered against three persons. The investigating agency has recorded the statement of Sunanda i. e. mother of the deceased. She disclosed that on 15.10.2017, her son Vishal had left the house in the company of Deepak. It is pertinent to note that she has not named the present Applicant as the person in whose company Vishal had left the house.

4. Test Identification Parade was held in which Deepak has been identified. There is an incriminating material against Deepak. As

on today, there is no incriminating material to show the complicity of the present Applicant in causing homicidal death of Vishal. In the aforesaid circumstances, the Applicant deserves to be enlarged on bail.

5. Hence, I proceed to pass the following order.

ORDER

- (i) The Application is allowed;
- (ii) The Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount;
- (iii) The Applicant shall report to the Indira Nagar Police Station, Nasik on every alternate Sunday between 10.30 a. m. to 1.00 p. m.;
- (iv) The Application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J.)