

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

BAIL APPLICATION NO.1374 OF 2018

Sham Laxman Mahajan	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Hrishikesh Munderggi I/b. Ms Shradha Sawant for the Applicant.
Mr. Rajan Salvi, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 27th AUGUST, 2018.

P.C.:-

This is an application for bail filed by the aforesaid Applicant, who has been arrested in Crime No.I-208 of 2017 registered with Panchvati Police Station, Nashik, for the offences punishable under Sections 201, 120 B, 302 and 364 of the IPC.

2. Heard Mr. Hrishikesh Munderggi, the learned counsel for the Applicant and Mr. Rajan Salvi, APP for the Respondent -State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records prima facie reveal that one Jalindar Ambadas Ugalmugle had gone missing on 1st October, 2015 and that missing

report was lodged by his wife on 4th October, 2015. It is seen that body of an unknown person was recovered on 3rd October, 2015. That unknown body was not identified and hence was disposed of. Subsequently, on 23.5.2017, FIR came to be registered against accused Nos.5 and 6 based on some information gathered in the course of interrogation in another crime, wherein accused were arrested. Subsequently, present Applicant as well as accused No.1-Hemant Shetty came to be arrested. It is alleged that said accused No.1 was having enmity with the deceased Jalindhar and that he alongwith other co-accused hatched criminal conspiracy to eliminate said Jalindhar.

4. The learned APP submits that the statement of Akshay Burade prima facie reveals that on 1st October, 2015 co-accused Rakesh Koshti had requested to send his car and that Rakesh Koshti had sent the Applicant herein to collect the car. The learned APP submits that there were traces of blood stains in the said car and that as per the forensic report the same matches with the blood group of the deceased. The material on record prima facie reveals that the car was seized and blood sample from the car was allegedly taken about two years after the incident. The only other incriminating material against the

Applicant is that on 1st October, 2015 witness Sandesh Ghusale had seen him and other co-accused getting out of a four wheeler and having some discussion with the accused No.1-Hemant Shetty.

5. It is to be noted that the main accused Hemant Shetty, who was allegedly in inimical terms with the deceased and who had conspired to cause his death, has already been granted bail. Considering the fact that the main accused has been granted bail and also considering the nature of the evidence as against the Applicant, in my considered view, the Applicant is entitled for bail.

6. Hence, the following order:-

- (i) The Bail Application is allowed.
- (ii) The Applicant be released on bail on furnishing bail bonds of Rs.50,000/- with one or two sureties in the like amount to the satisfaction of the Sessions Judge, Nashik.
- (iii) The Applicant shall furnish his permanent as well as temporary address, if any and all his contact details to the Investigation Officer.
- (iv) The Applicant shall not change his residential address without prior intimation to the Sessions Judge, Nashik.

- (v) The Applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)