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

BAIL APPLICATION NO.1494 OF 2018

Sunil Shivyogi Dharenavar

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. P.G. Sarda, for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 28th November 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 401 of 2017 dated 23.10.2017 registered with Kothrud Police Station, Pune under Section 302, 201 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

3] The name of deceased is Parshuram Ghatage. The alleged date and time of incident is 21.10.2017 at about 11.00 p.m on the hills situated at Charmala Chowk near Kothrud, Pune. It is the prosecution case that, deceased Parsuhuram was friend of co-accused Bhimrai Poti. That deceased

Parshuram Ghatgae and accused Bhimraya used to drink liquor on the hilltop intermittently. Deceased Parshuram used to praise wife of Bhimraya and on certain occasion told Parshuram that he likes his wife. Feeling enraged about the same, Bhimraya alongwith present applicant on 21.10.2017 on the pretext of consuming liquor called Parshuram at the said hilltop. During their drinking session of liquor, deceased Parshuram passed certain comments against the wife of Bhimraya and therefore Bhimraya along with applicant committed murder of Parshuram Ghatage by assaulting with a stone on his head. It is further alleged that, both accused repeatedly assaulted Parshuram on his head with the said stone. That after commission of said offence, the applicant and co-accused Bhimraya washed their blood stained clothes and ironed it. The dead body of Paarshuram was noticed by witnesses on 23.10.2017 at about 10.00 a.m During the course of investigation, the applicant came to be arrested on 23.10.2018 and after completion of investigation, the police have submitted chargesheet.

4] The only circumstance as against the applicant propounded by the prosecution is of last seen together. The witness Akshay Gaikwad in his statement dated 25.10.2017 has stated that he saw the applicant along with Bhimraya Poti and deceased on 21.10.2017 at about 11.00 p.m near the

road leading to the hill situated near Chamala Chowk, near Kothrud. Prima facie it appears that, there is substantial gap of time in noticing the applicant in the company and finding of dead body of deceased Parshuram. Apart from the said circumstance prima facie it appears that, the material on record is silent about other evidence against the applicant in the present crime.

5] In view thereof, the applicant can be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No. 401 of 2017 registered with Kothrud Police Station, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the Applicant shall attend the Kothrud Police Station on every 1st Monday of the month between 11.00 a.m to 1.00 p.m and to join the process of investigation till conclusion of trial.

iii] Applicant shall also attend all the dates before the Trial Court.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)