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

BAIL APPLICATION NO.2445 2018

Rahul Maruti Shinde

..Applicant

Vs

The State of Maharashtra

..Respondent

WITH

BAIL APPLICATION NO.2092 2018

Shashikant Kumar Jadhav

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. A.B. Shelke for applicant in B.A. No.2445 of 2018.

Mr. Satyavrat Joshi for applicant in B.A.2092 of 2018.

Ms. J.S. Lohokare, APP for State.

Mr. S.V. Khade, P.S.I., Umbraj Police Station, Satara present.

CORAM : A.S.GADKARI, J.

DATE : 28th November 2018.

P.C.:

1] These applications are under Section 439 of Cr. P.C. for bail in CR No. 55 of 2018 dated 13.2.2018 registered with Umbraj Police Station, District Satara under Sections 302, 201, 120(B) read with 34 of Indian Penal Code.

2] Heard the learned Counsel for the applicants in respective Bail Applications and the learned APP. Perused the chargesheet.

3] The name of deceased is Kishor Gaikwad. The date and time of commission of offence is the intervening night of 8th and 9th July 2017.

It is the prosecution case that, deceased Kishor Gaikwad had advanced a sum of Rs.10.00 lakhs to accused No.1 Sarjerao Sawant for his business purpose. That deceased was insisting accused No.1 Sarjerao to repay the said amount, as it was taken by him from his friends namely Abhijit Chavan and Vishal Chavan. With a view to avoid repayment of said Rs.10.00 lakhs, accused No.1 Sarjerao Sawant in connivance with his brother-in-law Sagar Desai and the applicants herein committed murder of Kishor Gaikwad with the aid of a gear wire of motorcycle and by assaulting him on his head and stomach. The applicants with a view to screen the evidence, threw the dead body of Kishor Gaikwad on Amba Vishalgad road, District Satara. During the course of investigation, the police arrested applicants on 15.2.2018 and 7.4.2018 respectively. After completion of investigation, police have submitted chargesheet.

4] The present case is based on circumstantial evidence. The evidence against the applicant-Rahul Shinde is of exchange of mobile

phone calls between him and deceased on the date of alleged incident i.e. on 8.7.2017. The CDR record to that effect is seized by the police.

The allegation against the applicant Shashikant Jadhav is that, he under the instructions of accused No.1 Sarjerao Sawant, accompanied him and dropped the Scropio Jeep of deceased within the jurisdiction of Akluj Police Station. Prima facie, it appears that the allegation of screening of evidence as contemplated under Sections 201 of the Indian Penal Code, is the only circumstance against the applicants Shashikant Jadhav. The major and serious role is played by accused No.1 Sarjerao Sawant and accused No.2 Sagar Desai. The learned counsel for the applicants submitted that, there are no antecedents at the discredit of the applicants.

5] The investigation of the present crime is already completed and the police have submitted chargesheet. No purspoe would be served by further keeping the applicants in incarceration and the applicants can be released on bail.

Hence the following Order:-

i] Applicants be released on bail in CR No. 55 of 2018 registered with Umbraj Police Station, District Satara on their furnishing PR bond of Rs.25,000/- each with one or two solvent local sureties in the like amount.

ii] After their release from jail, the Applicants shall attend the Umbraj Police Station, Satara on every 1st Monday of the month between 11.00 a.m and 1.00 p.m.

iii] Applicants shall also attend all the dates before the Trial Court unless precluded for medical reasons.

6] Both the Applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)