

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO. 2847 OF 2017**

1 Pandurang Sadashiv Bhosale.  
2 Nanasaheb Vitthal Bhuse. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

Mr. Jaydeep D. Mane, Advocate for applicants.

Ms. Veera Shinde, APP for State.

Mr. Vibhute, PSI, Sangola Police Station, Solapur(Gramin).

**CORAM : SMT. SADHANA S. JADHAV,JJ.**

**DATE : JUNE 12, 2018.**

**P. C. :**

1 Heard the learned Counsel for the applicants and the learned  
APP for State.

2 This is an application under section 439 Of the Code of  
Criminal Procedure,1973. The applicants herein are arrested on  
16/9/2017 in Crime No. 437 of 2017 registered at Sangole Police station  
for offence punishable under section 302, 201, 120(B), read with section  
34 of the Indian Penal Code. Investigation is completed and charge-  
sheet is filed.

*Talwalkar*

3           It is the case of the prosecution that On 21/6/2017 the dead body of a male person was found abandoned on Mahud to Pandharpur Road. Body was sent for post mortem examination. The body was in fully decomposed state. Body was swollen. Maggots were present. On the basis of the said report A.D. No. 61 of 2017 was registered. Investigation was set in motion.

4           On 22/6/2017 Dadaso Bhosale lodged a report at the police station alleging therein that the present applicants alongwith two other accused conspired to commit murder of deceased Balu Bhosale. It is alleged that there was dispute on account of common boundary in between accused No. 3 and deceased Balu Bhosale. It is alleged that accused Pintu @ Sitaram Shinde and Anil Rahane had caused murder of Balu Bhosale on the instructions of the present applicants and there was a conspiracy.

5           Anil Rahane was arrested on 1/7/2017. In the memorandum under section 27 of the Indian Evidence Act, the accused had shown the spot of incident and disclosed the name of Pintu @ Sitaram Shinde. A motor cycle was also recovered at the instance of arrested accused. Witness Dadaso Bhosale had disclosed to the police on 19/9/2017 that 15

days prior to 18/6/2017 when he was returning to Kasegaon alongwith Raju Kadam, he had seen Pandurang Bhosale, Nanasaheb Bhuse and two unknown person talking to them. According the prosecution, Pintu Shinde and Anil Rahane are those unknown person seen alongwith the present applicant 15 days prior to 18/6/2017.

6           The learned APP vehemently submits that there are call detail records to show that the applicants had contacted Pintu Shinde and Anil Rahani. As against this, the learned Counsel for the applicants submits that in fact, they are all residents of same area. Even if the case is that they had contacted Pintu Shinde and Anil Rahane, it cannot be said that it would be in connection with the causing of homicidal death of Balu Bhosale. The learned Counsel submits that there is no material in the charge-sheet to show that the applicant had hired Pintu Shinde and Anil Rahane and only because there were intermittent quarrels between the deceased and the applicants, they have been arrested.

7           Taking into consideration the papers of investigation and the submissions advanced across the bar, this Court is of the opinion that the applicants have made out a case for grant of bail.

8           The observations are prima facie in nature and shall not be

considered for discharge application or at the time of trial.

9 Hence, following order is passed :

**ORDER**

(i) The application is allowed.

(ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50000/- each and one or more solvent sureties in the like amount.

(iii) The applicants shall not tamper with the evidence.

(iv) The applicants shall not enter into the jurisdiction of Sangola Police Station and Kasegaon, Taluka Phandarpur till the charge is framed.

10 The application is disposed of accordingly.

**[SMT. SADHANA S. JADHAV, J.]**