

Dond

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

BAIL APPLICATION NO.3121 OF 2018

Ganesh Ramchandra Vare

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Satyavrat Joshi, for Applicant.

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

Mr.S.D. Moghe, Police Constable, Chakan Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 19th December 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 210 of 2015 dated 24.4.2015 registered with Chakan Police Station, District Pune under Sections 302, 201, 120B of Indian Penal Code.

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

3] The prosecution case in brief is that, accused No.1 Dilip Kale was having illicit relations with accused No.4 Smt. Lata Balu Keval. Deceased Balu Keval was an obstacle in their relations and there used to frequent quarrels in the house of accused No.4 Smt. Lata Keval. With a view

to remove obstacle of Balu Keval, accused No.4 Smt. Lata Keval told the said fact to her son Dilip Keval (accused No.3). Dilip Keval (accused No.3) had assured to pay rupees one lakhh to the present applicant, Ganesh Vare (accused No.2) and thereafter all accused persons hatched conspiracy to commit murder of Balu Keval. In furtherance of their conspiracy, accused No.1 Dilip Keval and applicant (accused No.2) induced deceased Balu Keval to accompany them to go to Bhimashankar for religious visit. It is alleged that, on the way to Bhimashankar, at village Patrevasti, near the canal, the applicant and accused Dilip Keval committed murder of Balu Keval by hurling a stone on his head. With a view to screen the evidence, they also cause severe damage to the face of deceased Balu Keval.

After noticing the dead body at scene of offence, Shri Dattatray Kad, Police Patil of village Waki Budruk, Taluka Khed, Pune lodged the first information report. During the course of investigation, the applicant came to be arrested on 27.4.2015. After completion of investigation, the police have submitted chargesheet.

4] The present case is based on circumstantial evidence. Prima facie it appears that, there is only one circumstance against the applicant i.e. of “last seen together”. Witness namely Raju Keval has seen the

applicant on 23.4.2015 at about 12.00 noon with accused No.1 Dilip Keval in the company of deceased Balu Keval. The dead body of Balu Keval was noticed by Shri Dattaraya Kad at about 3.00 p.m on 24.4.2015. Prima facie it appears that, there is sufficient gap in last seen together and finding of dead body of Balu Keval. The applicant is in jail since 27.4.2015.

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

Hence the following Order:-

i] Applicant be released on bail in CR No. 210 of 2015 registered with Chakan Police Station, District Pune, on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

ii] After his release from jail, the Applicant shall attend Chakan Police Station on every 1st Monday of the month between 10.00 a.m and 1.00 p.m 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.)