

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2864 OF 2018

Ganesh Dasharath Sonwalkar ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Rahul K.Dhaigude for the applicant.

Smt.S.S. Kaushik, APP for the respondent-State.

Mr.Gajanan Savagave for the complainant.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 10, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State. Mr.Savagane, learned counsel is permitted to address on behalf of the complainant, who has strenuously opposed grant of bail to the applicant.

2. The applicant was arrested on June 3, 2018 and charge-sheeted in an offence punishable under section 302, 143 and 147 of the Indian Penal Code in crime No.212/2018

registered on June 3, 2016 with Phaltan police station, District Satara.

3. The deceased in the case is cousin brother of the applicant.

4. In all there are six accused in the matter out of which the Sessions Court by detailed reasoned order ordered release of the three of the co-accused, who are ladies.

5. So far as the case of the applicant is concerned, upon perusal of the cause of death, the liver condition of the deceased, in my opinion, it cannot be inferred that there was a *prima facie* intention on the part of the applicant to commit an offence of murder particularly when the applicant who was the cousin of the deceased has immediately shifted him to the hospital.

6. In the aforesaid background and for the reasons recorded in the order dated September 17, 2018 passed by the learned Sessions Judge, Satara in Bail Application No.714/2018, granting bail to co-accused, the applicant deserves to be released on bail. Hence the order :-

- i) The applicant be released on bail in Crime No.212/2018 for offence punishable under section 302, 143 and 147 of the Indian Penal Code registered with Phaltan police station, District Satara, upon furnishing P.R. bond of Rs.25,000/- with two sureties in the like amount;
- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iii) The application is disposed of accordingly.

(NITIN W. SAMBRE, J.)