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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.506 OF 2019

Pandurang Balasaheb Karande	..Applicant.
V/s.	
The State of Maharashtra	..Respondent.

Ms.Mallika A.Ingale for the applicant.

Mr.M.G.Patil, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 13, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. After his arrest and having been charge-sheeted in crime No.299/2018 for offence punishable under sections 302, 201, 143, 147, 149 of the Indian Penal Code and section 37(1)(3), 135 of the Mumbai Police Act registered with Manchar police station, District Pune, the applicant is seeking regular bail.

3. Apart from claiming parity with co-accused Ram Walunj, Poppat Kapadi, Mhatarba Kapadi, Shivaji Daund and

Khandu Ware, learned counsel for the applicant Ms.Ingale would urge that, even if what has been stated by the witnesses is taken to be a true account, still, it cannot be inferred that the applicant is involved in the crime in question. A further submission is, the post mortem report and the opinion of the doctor does not support the case of the prosecution.

4. Learned APP has invited attention of this Court to the statement of the applicant and co-accused recorded on July 7, 2018, conversation between the applicant and co-accused Santosh recorded on June 28, 2018, the post mortem report and opinion of the doctor and submitted that there is sufficient material in the form of last seen to infer *prima facie* involvement of the applicant in the crime in question.

5. Having appreciated the respective submissions, what is noticed is, the post mortem report speaks of cause of death of Ramdas as asphyxia due to drowning. Certain injuries were noticed on the body of deceased Ramdas, which doctor has opined as caused after he had a fall in the water. The post mortem report speaks of presence of two litres of liquid in the stomach of the deceased Ramdas. Statement of witness namely, Pankaj

Pandurang Karande in categorical terms speaks of liquor being consumed by deceased at his restaurant.

6. In the aforesaid backdrop and having regard to the opinion of the doctor, it will be appropriate, in my opinion, to order the release of the present applicant as other similarly placed accused are already released on bail. Hence the order :-

- i) The applicant be released on bail in Crime No.299/2018 for offence punishable under sections 302, 201, 143, 147, 149 of the Indian Penal Code and section 37(1)(3), 135 of the Mumbai Police Act registered with Manchar police station, District Pune upon furnishing P.R. bond of Rs.25,000/- with one or more sureties in the like amount;
- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iii) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)