

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

CRIMINAL BAIL APPLICATION NO.605 OF 2019

Sanket Vasant Satalkar

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Vikas Shivarkar, Advocate for Applicant.
- Mr.S.R. Agarkar, APP for the State/Respondent.
- HC Mr.A.S Darekar, Kamshet Police Station, Pune (Rural), present.

CORAM : SARANG V. KOTWAL, J.

DATE : 27th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.85/18 registered with Kamshet Police Station, Pune (Rural), under sections 302 r/w 34 of the Indian Penal Code and under sections 3 r/w 25 & 27 of the Indian Arms Act.
2. The FIR is lodged by one Pandurang Sahadev Nanekar on 11/06/2018, who was father of one Nehal. He has stated in

his FIR that his son Nehal had left his house at around 12.00 p.m. on 10/06/2018 with the present Applicant and one Vicky Gholap on his Scooty. He did not return. He was informed by somebody that Nehal had met with an accident and he was in Birla Hospital. When the informant went there, he enquired with the present Applicant and Vicky Gholap. At that time, the first informant was told by them that they had gone to Hotel Rajwada at Kamshet. They had lost their friend Akash Landage only 12 days ago and they were depressed. Akash's sister had called Nehal in respect of some religious ceremony which was to be performed in connection with death of Akash. Thereafter Nehal got further depressed and shot himself with a pistol. The first informant did not believe the story and lodged his FIR against Vicky and the present Applicant. The investigation was conducted.

3. The Applicant was arrested on 10/06/2018 and since then he is in custody. The weapon was recovered at the instance Vicky Gholap from the Scooty of the deceased which was parked

outside the hotel. The Scooty was shown by co-accused Vicky. There are statements in the charge-sheet of the witnesses who were present in the Rajwada Hotel at Kamshet. These statements show that Vicky and the present Applicants were carrying the deceased in a bedsheet. They had wrapped a towel around the head of the deceased. He was bleeding. Both of them told the witnesses, that they had to immediately remove the injured to the hospital. Besides this, there is no circumstance in the entire charge-sheet to throw light on the incident.

4. Heard learned Counsel Mr.Vikas Shivarkar for the Applicant and learned APP Mr.S.R. Agarkar for the State.
5. Mr.Shivarkar submitted that there is no sufficient material against the present Applicant to establish their connection with the alleged crime. He submitted that the present Applicant is arrested merely on the suspicion expressed by the father of the deceased.

6. As against these submissions, Mr. Agarkar, learned APP, submitted that conduct of the Applicant and his friend was unnatural. They had motive, because they wanted to control their gang.

7. I have considered the contentions of both the parties. Though, Mr. Agarkar submitted that the Applicant and co-accused Vicky Gholap wanted to have supremacy within their gang, there is no statement in the entire charge-sheet supporting these allegations. On the other hand, there is a statement of sister of the said Akash that at around 08.30 p.m. she had called the deceased informing about the rituals which were to be performed in respect of death of Akash. This in fact supports the version of the Applicant which was given to first informant that on receiving that phone call, the deceased became more depressed and had shot himself. Moreover, the incident had occurred at a restaurant. Though there are no eyewitnesses of the actual incident, the witnesses had seen that the accused were taking the deceased to hospital and they were trying to

save him. This conduct of the Applicant and co-accused shows that their version was more probable than the version of the prosecution. They had immediately removed him to the hospital. The record shows that the deceased was admitted to the hospital by the present Applicant. Therefore the Applicant's conduct is natural and probable. In this view of the matter, the prosecution evidence is not strong enough against the present Applicant. Hence the Applicant deserves to be released on bail. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R.No.85/18 registered with Kamshet Police Station, Pune (Rural), on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)