

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

ANTICIPATORY BAIL APPLICATION NO.493 OF 2018

Avinash @ Gotya Laxman Pandhare	 Applicant
versus	
The State of Maharashtra	 Respondent
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- Mr.Anand Patil, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.
- API Mr.V.A. Bhabad, Hadapsar Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 03rd JULY, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.112/18 registered with Hadapsar Police Station, Pune, on 28/01/2018 under sections 302, 212, 120-B, 143, 144, 147, 148 and 149 of the Indian Penal Code and under section 4(25) of the Arms Act and under section 7 of Criminal Law Amendment Act.
2. The FIR is lodged by PSI Umakant Vaijnath attached to Hadapsar Police Station, Pune. The FIR speaks about the murder

of one Sujit Verma who was assaulted at Gondhalenagar Hadapsar with sharp weapons. Based on such information and after observing the situation at the spot, this FIR was lodged by the first informant. He has not seen the incident.

3. The statement of API Prasad Lonare attached to the same police station shows that when he had received information about the incident, they were going towards the spot when they had seen accused Akshay Suryawanshi, Prithvi Suryawanshi and Kiran Gundewad going away on their motorcycle. They were seen with blood stained sharp weapons. When this witness had gone to the spot, the police examined the CCTV footage which had captured the incident of assault. The incident shows that Sujit Verma was assaulted by accused Kiran Gundewad, Akshay Suryawanshi, Akshay Hake and Pravin Sutar with sharp deadly weapons.

4. The persons, who were seen in the CCTV footage assaulting the deceased, were arrested. The investigation was

carried out and the charge-sheet was filed against them and others. The present Applicant is apprehending arrest in connection with the same offence.

5. Heard learned Counsel Mr.Anand Patil for the Applicant and learned APP Mr.S.H. Yadav for the State.
6. Mr.Patil submitted that there is absolutely no connection of the present Applicant with the entire incident.
7. The learned APP Mr.Yadav submitted that the Applicant had contacted Pravin Sutar, Kiran Gundewad and Abhijit Bhosle between 20/01/2018 to 22/01/2018.
8. The charge-sheet contains statement of Tirupati @ Takya Vitthal Lashkare and Nishant Bhagwan Bhagat. Their statements show that on 27/01/2018 Abhijit Bhosle had told others that Sujit Verma had assaulted him. Thereafter the accused Akshay Suryawanshi had contacted Anna Deokar, Sonya

Dangmali, Prem Sutar, Shubham Kamthe and Akash Kakade and on their instructions those Akshay Suryawanshi and others had decided to commit murder of Sujit Verma. Thus, obviously, the conspiracy was hatched only on 27/01/2018. Therefore in telephonic conversation between the present Applicant and other accused prior to that will not form any part of conspiracy to commit murder of the deceased. In this view of the matter, the Applicant deserves protection of anticipatory bail. In the entire charge-sheet there is no other material connecting the present Applicant with the alleged offence at this stage. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.112/18 registered with Hadapsar Police Station, Pune, the Applicant is directed to be released on bail 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) If in future during investigation, the investigating agency comes across any concrete material against the present Applicant, they are at liberty to make an application for cancellation of anticipatory bail.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)