

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

BAIL APPLICATION NO.1307 OF 2019

Ramchandra @ Sunny Raju Jadhav	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Ms.Shubhangi Parulekar, Advocate for the Applicant.
Mr.S.H. Yadav, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 29, 2019.

P.C. :

The Applicant is seeking bail in connection with C.R.No.37 of 2018, registered with Ghodegaon Police Station, Pune Rural, Pune, for the offences punishable under Sections 302, 201 and 364 of Indian Penal Code (“IPC”, for short).

2 The First Information Report (“FIR”, for short) is lodged by PSI Gaikwad. He has stated that when they were on patrolling duty on 2nd February, 2017, they received information that one person by name Sunil Kamble who was externed from entering the area has entered the area. Hence, the police arrested him. During interrogation, he confessed about old

offence committed by him in the year 2011. He stated that one Pintu @ Sambhaji Ghothe was his co-brother. He had misbehaved with his wife, and, therefore, Sunil decided to commit his murder. He along with his friends took Pintu on some pretext in his car. He was accompanied by the present Applicant, Raju Yadav and Ganesh @ Pappu Damase. Pintu was taken to Bhimashankar, Taluka - Ambegaon, District-Pune. On the way, he was mercilessly beaten. Then he was taken out of the car and again was beaten by branches of trees and thus the accused committed his murder. His dead body was thrown in the valley. Thereafter, Pintu's mother Kantabai was constantly inquiring with Sunil regarding disappearance of Pintu. Therefore, even she was taken in their car by the same persons. She was taken near Lonavala and she was also murdered. Her dead body was thrown in a valley near Dudhiwari Khindghat, Lonavala. Based on this information given by Sunil Kamble, FIR was registered.

3 The investigation was carried out. The Applicant was arrested on 8th February, 2018, and, since then, he is in custody.

4 The investigation papers included the statement of one Bharti, the wife of deceased. She has stated in her statement

that in the year 2011, Sunil Kamble the present Applicant, Raju and Ganesh @ Pappu came to their house and had taken the deceased with them in their car. Thereafter, Pintu had not returned. She has stated that Sunil Kamble confessed to her that they had committed Pintu's murder and then they had also committed murder of Pintu's mother Kantabai. He then pressurized Bharti to marry him. Sunil and Bharti got married. After few months, there was dispute between them, and, therefore, she left him and married another person. During investigation, her statement was recorded on 3rd February, 2018, when she gave information about the incident which had occurred in the year 2011. Besides this, there is a statement of one Manisha Bagav. She was a friend of the Applicant. She has stated that in July 2011, Applicant had confessed to her that he along with Sunil Kamble Raju Yadav and Ganesh @ Pappu had committed murder of Pintu @ Sambhaji Ghothe and his mother.

5 Investigation was carried out to trace the information in respect of dead bodies which were recovered in that area in the month of July 2011. The investigation revealed that a dead body was found in July 2011 at the spot described and shown by the Applicant. In respect of that, dead body ADR was prepared and postmortem was conducted. In the postmortem report, the

cause of death was given as hemorrhage shock due to multiple injuries. The dead body of Kantabai was not found. It is case of the prosecution that dead body found in July 2011 was that of Pintu alias Sambhaji. Based on these allegations, the charge-sheet is filed. The investigation is over.

6 Thus, it is apparent that the statement of witnesses were recorded after a period of about seven years. The prosecution relies on the alleged extra judicial confession made by the Applicant to Manisha, whose statement was recorded after seven years. She has stated that in July 2011, the applicant had informed her that he committed murder of the deceased. The extra judicial confession by itself is a weak piece of evidence. There is no other corroborative evidence. The confessional statement is made about seven years ago. There are no criminal antecedents against the Applicant. Co-accused Ganesh Damse has been granted bail by this Court by order dated 25th July, 2019. Hence, case for grant of bail is made out.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1307 of 2019, is allowed;

- (ii) The Applicant be released on bail in connection with C.R.No.37 of 2018, registered with Ghodegaon Police Station, Pune Rural, Pune, on his executing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- (iii) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)