

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Bail Application No. 1427 OF 2019

Dattatraya Dilip More

...Applicant

Versus

The State Of Maharashtra

...Respondent

....

Mr. Adwait Bhonde, Advocate for the Applicant.

Mr. Prashant Jadhav, APP, for the Respondent – State.

....

CORAM : SARANG V. KOTWAL, J.

DATE : 16th OCTOBER, 2019

P.C.

1. The applicant is seeking his release on bail in connection with C.R. No.106/2018 registered with Haveli Police Station, Pune under Sections 302, 201, 120B read with 34 of I.P.C..

2. The applicant was arrested on 3.5.2018 and since then he is in custody. The investigation is over and the charge-sheet is filed.

3. The prosecution case is in respect of murder of one Aniruddha Gondhale. Initially his wife Sushma had lodged a complaint about his missing from the house. The deceased had left his house on 30.4.2018 at about 10:00 p.m. and since then he

had not returned. Sushma had given a complaint about his not returning home. The police conducted enquiry and they came to know that Sushma had love affair with accused No.1 Mayur Kakade. Accused No.4 Datta Kamble, the applicant and accused No.1 Mayur Kakade called him. All three of them took the deceased to a secluded spot and assaulted him with bamboo sticks and committed his murder. His dead body was thrown in the canal. On this basis, the FIR was lodged. The investigation is carried out.

4. I have heard Mr. Adwait Bhonde, learned Counsel for the applicant and Mr. Prashant Jadhav, learned A.P.P. for the State.

5. Learned Counsel for the applicant submitted that there is absolutely no evidence against the present applicant. The only circumstance against him is recovery of one bamboo stick which was found at his instance near the canal. However, there is no connecting evidence to show that it had blood stains of the same blood group as that of the deceased. There are no eye witnesses to the incident. There is no other incriminating circumstance against the present applicant in particular. There are certain

circumstances against the co-accused Mayur Kakade as he was last seen together with the deceased.

6. Learned A.P.P. opposed this application. He submitted that the offence is serious and the applicant had helped the main accused Mayur Kakade in commission of the murder. He relied on the recovery of the bamboo stick at the instance of the applicant.

7. I have considered all these submissions. There are statements of witnesses like Vijay Jagtap and Pandit Sawant who were drinking liquor with the deceased. At that time, accused No.2 Mayur Kakade came there and took the deceased on his motor-cycle. Thus, they have seen the deceased going with accused No.2. However, at that time, they had not seen the present applicant with the deceased or accused No.2. There is no other circumstance connecting the present applicant with the crime except recovery of bamboo stick. However, there is no connecting C.A. report showing connection of recovery of this bamboo stick with the alleged crime. In this view of the matter, considering the weak piece of evidence against the present applicant, he 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.106/2018 registered with Haveli Police Station, Pune, on his furnishing a P.R. 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.)