

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

***CRIMINAL APPLICATION NO.1144 OF 2019
IN
CRIMINAL APPEAL NO.201 OF 2017***

Indrajeet Nandkumar Vhatkar ... Applicant
Vs
The State of Maharashtra ... Respondents
...
Mr. Kishor D. Walanju for the Applicant.
Mr. H.J.Dedhia, APP for the Respondent-State.

***CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE JJ.***
DATE : OCTOBER 22, 2019

P.C. :

The learned counsel for the applicant submits that the applicant Indrajeet and the deceased Vithal happened to be good friends, a dumper was purchased through finance in the name of Vithal and Indrajeet was using it. Some dispute in relation to repayment of that loan arose on 11th July, 2013. Indrajeet wanted to settle that dispute and, therefore, he carried the deceased Vithal on his motor-cycle to his own residence.

2 The police have found body of Vithal near residence of Indrajeet. The learned counsel states that even if story of prosecution is accepted, the deceased was not carried by Indrajeet for committing his murder. An altercation occurred and in hit of anger, piece of iron pipe lying in vicinity was used by Indrajeet to attack Vithal. He argues that this may at the most constitute culpable homicide not amounting to murder.

3 He further submits that Indrajeet is a peace loving businessman living with family and has good reputation. He has already spent more than six years in jail and he should be released on bail.

4 The learned APP has strongly opposed any intervention. According to him, though there was some altercation, police constable residing in the vicinity intervened and pacified it. Thereafter again, something happened and blows with iron pipe on vital parts of the body were given. Intention to kill, therefore, is demonstrated.

5 We have perused papers and also Post-mortem report as submitted by the learned APP. There are 3-4 blows all on head or face but then there is previous quarrel also. Not only this prosecution itself has pointed out that Vithal was taken on his own motor-cycle by Indrajeet to his residence .

6 We, therefore, find that at this stage, it cannot be seen that Vithal was carried with intention to commit his murder by Indrajeet.

7 We, therefore, inclined to release applicant on bail on following terms and conditions:

(a) The applicant shall execute personal bond in the sum of Rs.20,000/- before the trial court for proper behaviour and for remaining present on due dates before the Court in the present matter with two independent sureties in the like amount.

(b) He shall give address at which he shall always be available during the pendency of this appeal along with his contact numbers.

(c) Similar details in relation to his sureties shall also be furnished.

(d) He shall not in any way directly or indirectly attempt to contact or pressurize either complainant or any of the witnesses in the matter.

(e) He shall keep vakalatnama of his advocate alive and valid till the appeal is finally decided by this Court and shall not be entitled to any fresh notice at the stage of final hearing.

(f) He shall report to the Superintendent/Registrar of Sessions Court, Sangli on first working Monday in every two months as a condition of his release.

(g) His failure to observe any of the terms and conditions shall entitle the respondent State to take him in custody forthwith.

(h) Application is accordingly allowed and disposed of.

(SANDEEP K. SHINDE, J.) (B.P.DHARMADHIKARI, J.)