

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

CRIMINAL BAIL APPLICATION NO.2598 OF 2019

Amol Dattatray Gundgal

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Sachin H. Deokar, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 09th OCTOBER, 2019

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.47/19 registered with Paud Police Station, Pune, under section 302 of the Indian Penal Code.
2. The Applicant is arrested on 09/02/2019 and since then he is in custody. Investigation is carried out and charge-sheet is filed.
3. The FIR is lodged on 01/02/2019 by one Siraj Ramjan Mulani in respect of murder of his brother Riyaz Ramjan Mulani.

He has stated that Riyaz was addicted to liquor. On 31/01/2019 he had left his house for his work. Since then he did not return. On 01/02/2019 the first informant saw that there was crowd gathered near a well known as 'Gundgal'. He saw that a dead body was lying there. When the informant saw the dead body, he found that it was the dead body of his brother Riyaz. He had suffered injuries on his head and face. Thereafter the first informant lodged his FIR for murder of his brother Riyaz.

4. The investigation was carried out and during investigation, the Applicant was arrested on 09/02/2019 as mentioned earlier.
5. Heard learned Counsel Mr.Sachin H. Deokar for the Applicant and learned APP Ms.A.A. Takalkar for the State.
6. Learned Counsel for the Applicant submitted that there is absolutely no evidence against the present Applicant and therefore he deserves to be released on bail.

7. Learned APP relied on the charge-sheet filed against the Applicant.
8. I have considered these submissions and I have perused the charge-sheet. The charge-sheet contains the statements of various family members of the deceased. These statements show that the deceased was addicted to liquor. Beyond that, there is no whisper of any enmity between the Applicant and the deceased. There are statements of Amjad Hamid Tamboli, Tukaram Vitthal Keswadkar and Omprakash Matadayal Tiwari who had seen the deceased at 09.30 p.m. on 31/01/2019. The deceased had purchased a cigarette and food in Hanuman Chowk. After that no witness had seen him.
9. There are statements of Sunil Anil Bhegade and Santosh Baban Shinde. These statements show that on 31/01/2019 at about 09.30 p.m. the accused including the Applicant were seen in Hanuman Chowk. One of the accused

Amol @ Bapu Bhanudas Gundgal had purchased food and beer and thereafter they had gone towards Ghotawade. There is a Panchanama carried out in the house of the accused, when the Applicant's clothes were recovered. It is alleged that there were blood stains on the clothes.

10. The post-mortem notes show that the deceased had suffered 8 injuries and the cause of death was attributed to multiple grievous injuries over head. Beyond these statements and circumstances there is nothing worth mentioning.
11. The charge-sheet shows that some witnesses had seen the deceased around the same time i.e. at 09.30 p.m. on 31/01/2019 in Hanuman Chowk. The other witnesses had seen the accused in the same chowk. That is the only connection which the prosecution has alleged in the present crime between the Applicant and the deceased. Beyond that, there is absolutely no material. This material hardly can be said to be incriminating pieces of evidence against the present Applicant. The recovery of

blood stained clothes also does not help the prosecution case, in the absence of any connection with the offence. At this stage, there is no strong circumstance to connect the recovery of these clothes in the present crime.

12. Considering the weak nature of evidence in this case, 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.47/19 registered with Paud Police Station, Pune, 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.)