

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

CRIMINAL BAIL APPLICATION NO. 3142 OF 2018

Deepak Rajaram Pagare ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Pushkar M Bopardikar for Applicant.

Mr. S. S. Hulke, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 23, 2019.

P.C. :

. In Crime No. 285 of 2017 for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code, the Applicant is seeking regular bail. The allegation against the Applicant is he has committed murder of his own friend Vishal @ Shekhar Hire. After the arrest of the Applicant, came to be chargesheeted.

2. On investigation it is noticed that the Applicant was last seen together in the company of deceased. Of the three accused, co-accused Pramod Jadhav was released by this Court vide order dated 5th July 2018 in Bail Application No. 826 of 2018.

3. The role attributed to the present Applicant is that of taking away deceased Vishal Hire from his home before the incident in question, as is apparent from the statement of Sunanda Hire – the mother of the deceased Vishal. So also in Identification Parade he has been identified.

4. In the aforesaid background, when the Court was inclined to reject the Application, in response to the Court's query, it is brought to the notice by the learned APP that vide Exhibit 12 the pant with stains of the Applicant was seized and referred for chemical analysis vide Memo dated 18th November 2017. The Chemical Analyzer's Report speaks of the analysis inconclusive. That being so, it is difficult to infer at this moment the presence of the Applicant on the spot of the offence and active participation.

5. In the aforesaid background, having regard to the fact that the case of the prosecution is based on circumstantial evidence, the Applicant is entitled to be released on bail. Hence, the following order.

ORDER

(A) The Applicant be released on bail in Crime No. 285 of 2017 for an offence punishable under Section 302 read with Section 34 of the

Indian Penal Code, on executing PR Bond of Rs.15,000/- with one or more sureties in the like amount.

- (B) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.

6. Criminal Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)