

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

928 BAIL APPLICATION NO.1091 OF 2020

RAMESH KHANDU MHASKULE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Bhide Vinod Y
APP for Respondent : Mrs P V Diggikar

...

AND

929 BAIL APPLICATION NO.1092 OF 2020

BHAUSAHEB RANU SHIRTAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Bhide Vinod Y
APP for Respondent : Mr. V S Badakh

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CORAM : V.K. JADHAV, J.
Dated: October 07, 2020

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PER COURT :-

1. The applicants in both these bail applications are seeking regular bail in connection with crime No.589 of 2020 registered with Sangamner Taluka police station, District Ahmednagar for the offences punishable under Sections 302, 201, 506 read with Section 34 of the I.P.C. Their applications bearing Criminal Bail Application

No.180 of 2020 and No.189 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge, Sangamner, vide order dated 14.09.2020.

2. Learned counsel for the applicant/s submits that the prosecution case rests upon the circumstantial evidence and there is no direct evidence in this case. Learned counsel submits that as per the allegations made in the complaint, deceased was lastly seen in the company of co-accused Gokul, however, so far as these two applicants are concerned, there are allegations to the extent that after noticing the deceased in hanging position, they have caused disappearance of the evidence at the instance of co-accused Gokul. Learned counsel submits that at the most the charge under section 201 of the IPC stands attracted against the applicants. As per the prosecution story, informant Anita Yermal and her aunt Sumanbai were only in the agricultural land. It further appears that in the morning when they noticed dead body of the deceased in hanging position in his hut, co-accused Gokul has given a call to

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the applicant Ramesh Khandu Mhaskule and on his call the applicant Ramesh came on the spot from the neighbourhood land. Learned counsel submits that both the applicants are having no criminal history. They are available for trial. They are ready to abide any condition, if imposed by this Court. The applicants may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that though there is no direct evidence in this case, however, there was a dispute between the deceased at one side and the applicant Bhausahab and co-accused Gokul on the other side on account of some money transaction. Learned APP submits that even in the night of 4.8.2020 deceased and co-accused Gokul returned to the house under the influence of liquor and at that time there was a quarrel between them on account of said money transaction. Learned APP submits that investigation is in progress. The applicants may not be released on bail. At this

stage, there is strong possibility of tampering with the prosecution evidence.

4. On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that allegations as against the applicant/s are only to the extent that they have caused disappearance of the evidence at the instance of co-accused Gokul after noticing dead body of the deceased in hanging position in his hut. On perusal of the postmortem report, it appears that because of the highly decomposed condition, medical officer who has conducted the post mortem examination could not give the probable cause of death. Though, learned APP has pointed out certain answers given by the Medical Officer to the queries made by the I.O., however, it has only stated in response to the said queries that possibility of constriction of neck cannot be ruled out. It appears from the statement of Sumanbai that in the morning, when after giving call, the deceased could not wake up, witness Sumanbai had given call to her husband Bhaurao and son Gokul.

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They had arrived there in front of the hut of the deceased and co-accused Gokul by inserting hand from the side of the said hut opened the door chained from inside of said hut. It further appears that informant since driven out by the deceased in the night due to his over consumption of liquor, she slept in the house of her aunt Sumanbai. Thus, deceased was alone in the hut and door was chained from inside. Investigation is still in progress. However, so far as these two applicants are concerned, their role is limited to the extent that they have caused disappearance of the evidence after noticing the dead body of the deceased in hanging condition. Thus, considering the entire aspects of the case, I am inclined to grant bail to the applicant/s in both these applications on certain conditions. Hence the following order :-

O R D E R

- I. Bail Application nos.1091 of 2020 and 1092 of 2020 are hereby allowed.
- II. The applicant RAMESH KHANDU MHASKULE in Bail Application No.1091 of 2020 and the applicant

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BHAUSAHEB RANU SHIRTAR in Bail Application No.1092 of 2020, in connection with crime No.589 of 2020 registered with Sangamner Taluka police station, Sangamner, District Ahmednagar for the offences punishable under Sections 302, 201, 506 read with Section 34 of the I.P.C. be released on bail on furnishing personal bond of Rs.20,000/- (Rs. Twenty Thousand) **each** with one solvent surety each of the like amount on following conditions:-

- a) The applicant/s in both the bail applications shall not tamper with the prosecution evidence in any manner.
- b) The applicant/s in both the bail applications shall attend the concerned police station once in a week i.e. on every Sunday between 8.00 a.m. to 11.00 a.m. till filing of charge sheet.

III. Both the Bail Applications are disposed off.

(V.K. JADHAV, J.)

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