

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 BAIL APPLICATION NO.1343 OF 2020

HARISHCHANDRA KAMLAKAR DAGALE
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. Bhide Vinod Y.
APP for Respondent-State : Mr. R.V. Dasalkar
.....

CORAM : V. K. JADHAV, J.
DATED : 15th DECEMBER, 2020

PER COURT:-

1. The applicant is seeking bail in connection with crime No. 209 of 2020 registered with Rajur police station, Taluka Akole, District Ahmednagar for the offences punishable under Sections 302, 201 read with 34 of IPC and Sections 4 and 25 of the Arms Act. His application bearing Criminal Bail Application No. 217 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge, Sangamner vide order dated 26.10.2020.

2. Learned counsel for the applicant submits that the prosecution case entirely rests upon circumstantial evidence and there is no direct evidence in this case. Learned counsel submits that as per the charge sheet, the allegations have been made mainly against co-accused Kamlakar about commission of murder and so far as the applicant is concerned, it has been alleged that he has caused disappearance of evidence with the intention of screening the main culprit from the legal punishment. Learned counsel submits that it

has been revealed during investigation that after committing murder of deceased, co-accused Kamlakar cut the dead body into pieces and kept it in two gunny bags. Thereafter he threw the said gunny bags in the agricultural pond of his field. Since the said gunny bags subsequently came on the water surface, co-accused Kamlakar got frightened as he would be apprehended by the police. Thus, co-accused Kamlakar called the applicant, who is his son, from Pune and both of them removed those gunny bags from the agricultural pond and threw it at a distance of 20 to 25 kilometers from village Khirvire. Learned counsel submits that the applicant is doing labour work at Pune. There is no criminal history. The applicant is in jail in connection with the present crime since 4.7.2020. The applicant is ready to abide the conditions if imposed by this Court while releasing him on bail. The applicant may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that *prima facie* there is strong case against the applicant. However, learned A.P.P. fairly accepts that it has been revealed during investigation that the role played by the present applicant attracts the provisions of Section 201 of I.P.C. Learned A.P.P. submits that the appropriate order may be passed.

4. On going through the allegations made in the complaint and on perusal of the charge sheet, it appears that the allegation about commission of murder have been made against co-accused

Kamlakar (father of the applicant). So far as the role of the applicant is concerned, it has been revealed during the course of investigation that 2/3 days after the incident, co-accused Kamlakar has called the applicant from Pune to cause disappearance of the said gunny bags in which co-accused Kamlakar has kept pieces of the dead body. There is no criminal history. Thus, considering the entire aspects of the case, I am inclined to grant bail to the applicant on certain conditions. Hence the following order:-

O R D E R

- I. Application is hereby allowed.
- II. The applicant HARISHCHANDRA KAMLAKAR DAGALE, in connection with crime No. 209 of 2020 registered with Rajur police station, Taluka Akole, District Ahmednagar for the offences punishable under Sections 302, 201 read with 34 of IPC and Sections 4 and 25 of the Arms Act, be released on bail on furnishing personal bond of Rs.15,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence in any manner.
- III. Application is disposed of.

(V. K. JADHAV, J.)