

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2571 OF 2019

Ashish Sanjay Keripale, Age 21 years,
Occ.Agriculture, R/o.Kavthepiran,
Tal.Miraj, Dist.Sangli
(Presently lodged in prison)

Applicant

versus

The State of Maharashtra

Respondent

Ms.Rati Sinhasane i/by U.R.Kankapure for applicant.
Mr.S.H.Yadav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th March 2020

PC :

1. This is an application for bail in CR No.211 of 2017 registered with Sangli Rural Police Station for offences under Sections 302, 201 r/w 34 of Indian Penal Code.

2. The FIR was registered on 8th September 2017 by Prakash Annaso Pawar. The alleged incident had occurred on 30th November 2016. According to the complainant, the deceased Pravin Pawar had left house on 29th November 2016. However, he did not return home. His dead body was found in Vaarna River below the bridge. ADR No.71 of 2016 was registered and the investigation was conducted u/s 174 of Cr.PC. His motorcycle was also found on Sangli-Kolhapur road. The death was suspicious. The complainant tried to get information about death of his brother. On 8th September 2017 Akshay Namdev Patil informed him that on account of quarrel of the deceased with the applicant, the accused Suraj Patil, Shubham Yeole, applicant and Sachin Chavan had killed the deceased on 30th

November 2016. He was killed by strangulation by applicant and other accused in the under construction house of Mahvir Patil situated in village and the body was thrown in river from the bridge. On the basis of complaint, the accused were arrested. The applicant was arrested on 13th September 2017.

3. The statements of various witnesses were recorded. The co-accused were arrested. On completing investigation charge sheet is filed. The applicant had preferred application for bail before Sessions Court, which has been rejected on 17th May 2019.

4. Learned counsel for applicant submits that without any authentic evidence the applicant is in custody from 13th September 2017. The prosecution is relying on extra judicial confession of co-accused Akshay Patil which was allegedly made after a period of about 10 months from the date of incident. There is no other cogent evidence against applicant. All other accused are granted bail. The application of the applicant was rejected only on account that one more case is pending against him for offence u/s 302 of IPC.

5. Learned APP submitted that the co-accused Akshay Patil has made extra judicial confession to four persons. The statement of said accused was videographed while making the extra judicial confession. Akshay Patil was arrested in this case. It is submitted that the applicant has criminal antecedents. One case under Section 302 of IPC is pending against him.

6. It is apparent that incident had occurred on 30th November 2016. No suspicion was raised against applicant at the time of

incident. The ADR inquiry was conducted. After ten months, on the basis of extra judicial confession by co-accused to others, the applicant and co-accused were arrested. There is no other incriminating circumstance to show involvement of applicant. There is no recovery, call record etc.. All the other accused are granted bail by Sessions Court. The only ground on which the application of applicant was rejected is that he is involved in another case. Considering the nature of evidence against the applicant and also considering the fact that applicant is in custody from 8th September 2017, only on the ground of one case pending against him and belated extra judicial confession, bail cannot be refused to him.

7. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2571 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.211 of 2017 registered with Sangli Rural Police Station, District Sangli, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall not tamper with evidence;
- (iv) The applicant shall attend Trial Court proceedings regularly, unless exempted by Trial Court for some reason.

(PRAKASH D. NAIK, J.)