

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

CRIMINAL BAIL APPLICATION NO.3105 OF 2019

Ram @ Ramya Baccha Bhosale

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Abhay A. Jadhavar a/w. Sachin M. Bhavar i/b. Yogesh G. Thorat,
for the Applicant.

Mr. S. H. Yadav, APP for the Respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th February, 2020

P.C.:

1. This is an application for bail in connection with C.R.No.631 of 2016 registered with Daund Police Station, District- Pune for offences punishable under Sections 143, 147, 148, 149 and 302 of Indian Penal Code ("IPC" for short). The First Information Report ("FIR" for short) was lodged by the mother of deceased on 13th November 2016. The applicant was arrested on 24th October 2018.

2. The case of the prosecution emanating from statement of the complainant is that, on 13th November 2016 the son of the complainant had received call on his cell phone. He told the complainant that he is proceeding to Wireless Fata and would return home. Thereafter, the complainant received information that,

deceased has been assaulted and taken to the hospital. On examination he was declared dead. The complainant has alleged that on account of finance transaction, the accused in furtherance of common intention assaulted deceased.

3. Learned Advocate for the applicant submitted that, the entire case is based on circumstantial evidence. There is no circumstance to show the complicity of the applicant in the crime. There is no eye witness to the incident. There is no incriminating evidence against the applicant. Except recovery of sickle, there is no evidence to involve the applicant in the crime. The C.A Report is not on record with regards to the blood stained if any, on the clothes of the applicant. The co-accused Tambya Pawar, Mithun Bhosale, Chafya Bhosale and Zirokte Pawar are granted bail by the Sessions Court, Baramati.

4. Learned APP submits that, the incident had occurred on account of money transaction. There is recovery of sickle from the applicant.

5. Admittedly, there is no eye witness to the incident. The only circumstance against the applicant is recovery of weapon. There is no other circumstance show the involvement of the applicant in the

crime. Four other accused were granted bail by the Sessions Court. Investigation completed. Charge sheet is filed. Considering the aforesaid circumstance, case for grant of bail is made out.

ORDER

- (i) Bail Application No.3105 of 2019 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No. 631 of 2016 registered with Daund Police Station, District- Pune, on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned police station once in a month on every first Saturday between 11:00 a.m. to 01.00 p.m. till further order;
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)