

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3214 OF 2019

Sachin Pandit Madke

....Applicant

v/s.

The State of Maharashtra

....Respondent

* * * * *

Mr. Sachin B. Thorat, Advocate for the applicant.

Ms. P.P. Shinde, APP for State.

API, Mr. Londhe, R.D. Padgha Police Station, Thane ®
present.**CORAM : SANDEEP K. SHINDE, J.****Monday, 6th January, 2020.****P.C. :**

1. Heard.

2. This application is filed under Section 439 of Code of Criminal Procedure, 1973. The deceased, Ganesh Chandrakant Pawar was found dead in his house on 16th December, 2018. After the alleged incident, an accidental death report was filed at the instance of his cousin brother, Umesh who had filed a complaint. Deceased had suffered death because of asphyxia due to strangulation and smothering as reported in the post-mortem report. It appears that the deceased

died in the night intervening 15th and 16th December, 2018. It is the prosecution's case that, on 15.12.2018 deceased had participated in a local chit fund scheme and on some account, a dispute and quarrel arose between the members of the chit-fund scheme. It is alleged, that the co-accused Gurunath, a member of the local chit fund scheme was not willing to give Rs.25,000/- from the scheme to the deceased which appears to be the cause of quarrel. It is further alleged, that Gurunath and the applicant had later threatened the deceased to eliminate him. It is the prosecution's case that, deceased went to his house and slept in the drawing room with his father. On the second day, his dead body was found and a spot panchanama was drawn. The panchanama does not suggest, whether someone had broke opened the door and had entered the house of the deceased. Except the threats allegedly given by the applicant and the co-accused, Gurunath, that they would eliminate the deceased, there is no other material brought on record to connect the applicant to the said incident. Besides, the present applicant was not even a member of the local chit fund. The investigation in the case is over and the chargesheet has been filed. The applicant is in the custody since January, 2019.

Prosecution has not pointed out any criminal antecedents of the applicant. It is submitted that, his presence for the trial can be secured by imposing conditions. In view of the facts stated hereinabove, the following order is passed :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant is directed to be released on bail in C.R. No.I-368/2018 10 of 2019 registered with Padgha Police Station on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when called.

(iv) The applicant shall furnish the particulars of his latest place residence and mobile contact number and/or change of residence or contact details, if any, to the Investigating Officer of the Police Station concerned within seven days

from today.

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(vi). It is made clear that the observations made herein are prima-facie in nature and the trial Court shall decide the case on its merits in accordance with law uninfluenced by the observations made in this order order.

(SANDEEP K. SHINDE, J.)