

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2705 OF 2021

DADASAHEB DILIP KARANDE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Ritesh Thobde, Advocate for the Applicant.

Mr.A.A.Palkar, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

RESERVED ON : 15th NOVEMBER 2021
PRONOUNCED ON : 22nd NOVEMBER 2021

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.277 of 2021 registered with Police Station Mohol, Solapur (Rural), for offences punishable under Section 302, 307, 120B, 34 of the Indian Penal Code (IPC).

2 It is the case of prosecution that on 22nd March 2021, at about 5.00 p.m., driver (unknown) of one truck bearing Registration No.MH-12-RN-1691 had driven a truck in a rash and negligent manner while coming from Pune and endangered the safety of others by crashing into a motorcycle and thereby was responsible for causing death of motorcyclist Basveshwar Mahadev Waghchavare and severe injuries to Maruti Eknath Karande. The applicant was arrested on 30th March 2021.

3 During the course of investigation it transpired that driver of the truck was having illicit relations with the wife of the deceased. When the deceased came to know about the same, he had assaulted his wife on that count. Thus, wife of the deceased and the driver of the truck conspired to kill the deceased. Accordingly, charge-sheet came to be filed.

4 Mr.Ritesh Thobde, learned counsel for the applicant, submitted that the statement of father of deceased came to be recorded on 29th March 2021 i.e. after one week of lodging of the

First Information Report (FIR) wherein the father alleged that as there were illicit relations between the applicant and his daughter-in-law, the applicant and daughter-in-law in collusion with each other, killed his son. Interestingly, for about a week, this witness kept mum and did not approach the police station.

5 Mr.A.A.Palkar, the learned APP, opposed the submissions by contending that there is sufficient material on record to hold that the applicant caused the death of the deceased by dashing his motorcycle from behind. The learned APP invited my attention to the statement of Ganesh Mendhe to substantiate his point of view.

6 There is statement of Ganesh Mendhe which was recorded on 30th March 2021 i.e. after arrest of the applicant. His statement shows that there were illicit relations between the applicant and the wife of the deceased and as the deceased had beaten his wife on that count, according to him, both of them i.e. the applicant and wife of the deceased, decided to do away with

the life of deceased. This fact was allegedly told to this witness by the applicant himself. Thus, his statement reflects a sort of extra-judicial confession prior to the incident which can be tested only at the time of trial and not at this stage. No other evidence is forthcoming.

7 For the aforesaid reason, I hold that the applicant has made out a case for consideration. Hence, I pass the following order :

ORDER

- (i) Applicant – Dadasaheb Dilip Karande shall be released on bail in Crime No.277 of 2021 registered with Police Station Mohol, Solapur (Rural), on his executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in like amount.
- (ii) The applicant shall not tamper with prosecution evidence.
- (iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer.

(iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(v) Bail before trial Court.

(vi) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)