

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

CRIMINAL BAIL APPLICATION NO.1522 OF 2020

Akash Mahalappa Nigdi Applicant
Versus
The State of Maharashtra Respondent

Mr. V.V. Purwant, Advocate for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th MARCH, 2021**

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.144/2020 registered at Umadi police station, District-Sangli on 27.7.2020 under Sections 302, 120B read with 34 of the Indian Penal Code. The Applicant was arrested on 2.8.2020 and since then he is in custody.

2. Heard Shri V. V. Purwant, learned Counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The prosecution case is in respect of commission of murder of one Revansiddha Hugar. The prosecution case is

that the main accused was Ganpati Hugar. He was the real brother of the deceased. There used to be frequent quarrels between them. Revansiddha was addicted to liquor and he used to threaten that he would commit murder of Ganpati. Therefore, Ganpati paid money to one Umesh and all of them hatched a conspiracy to commit murder of Revansiddha. On 25.7.2020, the deceased was found injured in front of his house. He had suffered injuries and he had already died.

4. Learned Counsel for the Applicant submitted that there is absolutely no evidence against the present Applicant. There is recovery of motorcycle at the instance of the main accused Ganpati and in that memorandum statement, the Applicant's name is mentioned. He submitted that the portion of that statement is inadmissible and cannot be held against the present Applicant.

5. Learned A.P.P. opposed this application. She submitted that the Applicant had hatched the conspiracy along with other accused and he had accompanied the main accused to pay money to Umesh. Ganpati had also shown the

house where the conspiracy was hatched and the Applicant was present when the conspiracy was hatched. She submitted that there are calls exchanged between the Applicant and co-accused Umesh.

6. I have considered all these submissions. With their assistance, I have perused the charge-sheet. The FIR is lodged by the widow of the deceased. She has stated that on 24.7.2020, the deceased was found in front of his house in an injured condition. The accused No.1 Ganpati himself had given the complaint on 25.7.2020 that the deceased was found in injured condition. But subsequently Ganpati was shown as the main accused, who had hatched the conspiracy to eliminate his own brother Revansiddha.

7. The postmortem notes show that the deceased had suffered as many as six injuries and the cause of death was mentioned as “head injury with neck compression.”

8. In the entire charge-sheet, there is hardly any material against the present Applicant. The Applicant’s name

transpires in the memorandum statement given by Ganpati pursuant to which the motor-cycle was recovered. First of all there is no direct connection of motor-cycle with actual commission of murder. The prosecution case is that the Applicant has travelled on the same motor-cycle with Ganpati. The amount was paid to Umesh. This portion is mentioned in the inadmissible part of the statement recorded under Section 27 of the Evidence Act.

9. The other circumstance of Ganpati showing the house where the conspiracy was hatched, also does not take the prosecution case any further because nothing was discovered pursuant to that statement made by Ganpati.

10. The CDR showing that the Applicant had contacted the other accused Umesh by itself does not show either that he had committed murder or had taken part in hatching the conspiracy. In this view of the matter, the Applicant deserves to be released on bail. Hence, the following order :

ORDER

- (i) In connection with C.R. No.144/2020 registered with Umadi police station, District-Sangli, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station once a fortnight for a period of one year from today.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)