

Bhogale

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

BAIL APPLICATION NO. 237 OF 2020

AJIT ARGADYA PAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Satyavrat Joshi for the Applicant.

Mr. N.B. Patil, APP for the State-Respondent.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 2, 2021

P.C.:-

Heard learned counsel for the parties.

2. This is an application for bail filed by the Applicant (original Accused No.4) in respect of the offences punishable under Section 302, 120(B), 201 read with 34 of the Indian Penal Code registered with the Atpadi Police Station vide C.R. No.166 of 2018. The chargesheet has been filed and the accused are to be tried by the trial Court in respect of Sessions Case No.199 of 2018.

3. The date of the incident is 04.07.2018. The FIR is registered by Shri Sachin Rajaram Mandle, the Police Patil of the

concerned village. The Applicant herein was arrested on 14.09.2018. The case against the accused is that they hatched a conspiracy to commit theft of cattle for selling them in the market and earn money. The accused decided to hire a tempo to transport the cattle. The driver of the tempo was killed and further the tempo was sold for earning money. The tempo was hired for transportation of the stolen cattle on 04.07.2018 when the murder of tempo driver-Kashinath Galande was committed. Deceased Kashinath Galande's body was thrown near a pond of village Chinchale, Kharsundi, Taluka Atpadi. The memorandum of statement of original Accused No.2-Manoj Nagargoje recorded on 18.07.2018 states about this. On the basis of the statement of accused No.2-Manoj Nagargoje, the present Applicant was arrested.

4. With the assistance of learned counsel for the Applicant and learned APP, I have gone through the chargesheet and the relevant statements and documents. There is a recovery of a cycle chain and blood stained shirt from the original Accused No.2. Except memorandum of statement of accused No.2-Manoj Nagargoje recorded on 18.07.2018 implicating the present Applicant, there is no material on record to connect the Applicant with the crime in question. Even this statement does not assign

any role to the Applicant. The materials appear against the accused Mahadev and Manoj but not against the Applicant.

5. The Applicant therefore deserves to be enlarged on bail. Hence, the following order :-

ORDER

(i) The Applicant be released on bail in respect of C.R. No.166 of 2018 of the Atpadi Police Station on his furnishing a P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(ii) The Applicant to report to the Atpadi Police Station once in a month on Monday of the first week of that month between 11.00 a.m. to 12.00 p.m.

(iii) The Applicant not to tamper with the prosecution witnesses.

6. The Bail Application is disposed of.

(M.S. KARNIK, J.)