

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

CRIMINAL BAIL APPLICATION NO.462 OF 2021

Ashok Vishnu Khedkar

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Ganesh Bhujbal, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th MARCH, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.827/2019 registered with Chakan Police Station, Pimpri Chinchwad, under sections 302 and 449 of the Indian Penal Code. The Applicant was arrested on 22/05/2019 and since then he is in custody. Investigation is over and the charge-sheet is filed.

2. Heard Mr.Ganesh Bhujbal, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.

3. The FIR is lodged by one Subhash Ananda Khandebharad on 22/05/2019, in respect of murder of his father Ananda. He has stated in his FIR that his niece Yogita, who was daughter of the deceased brother Kashinath was married to the main accused Navnath Kaluram pansare. Navnath wanted share in the property of the deceased Ananad. But Ananda's property could not be given to any of the heirs in his lifetime. The first informant had told the main accused Navnath about his inability to give any share to any of the heirs. The main accused Navnath therefore decided to eliminate Ananda by hiring contract killers. Accordingly, he gave contract to one Nilesh Mandekar, who along with his associates committed murder of the deceased in the night when the deceased had gone to his agricultural field. He was murdered by throttling. On this basis, FIR is lodged.

4. Learned counsel for the Applicant submitted that there is absolutely no material against the present Applicant except recovery of car belonging to main accused Navnath. That by

itself does not connect the present Applicant with the main offence of murder.

5. Learned APP opposed this application and submitted that the recovery of car is an incriminating circumstance.

6. I have considered these submissions. The post-mortem notes show that the cause of death was 'due to Asphyxia due to throttling' and the injuries were multiple abrasions over neck. Therefore it is without doubt that the deceased was murdered. The motive is attributed to the main accused Navnath. As per the prosecution case, he had given contract to kill Ananda to others. It is not the prosecution case that the main accused Navnath had given this contract to the present Applicant and he in any manner was instrumental in causing murder. The only evidence against him is the car which was recovered. That car was belonging to main accused. The prosecution case appears to be that the said car was used by the accused in commission of murder. However, nothing further is revealed by the

investigating agency as to how that car was used and how the Applicant helped other accused in commission of murder. In this view of the matter, there is hardly any evidence against the present Applicant connecting him with the actual incident of murder. He did not have any motive. He did not participate in the actual murder as per the prosecution case. Therefore, the Applicant can be released on bail.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No.827/2019 registered with Chakan Police Station, Pimpri Chinchwad, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)