

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

CRIMINAL BAIL APPLICATION NO.489 OF 2020

Rajesh Shankar Kadam	...Applicant
V/S.	
The State of Maharashtra	...Respondent

Mr. Aniket Nikam i/b. Vivek N. Arote, Advocate for Applicant.
Mr. Ajay Patil, APP for State – Respondent.

CORAM : SARANG V. KOTWAL, J.
DATED : 16th FEBRUARY, 2021.

P.C.

1. The Applicant is seeking his release on bail in connection with C.R. No.188 of 2019 dated 01st May 2019, registered at Chandannagar Police Station, Pune, under Sections 395, 396, 364, 342, 323, 506, 201 of the Indian Penal Code and under Section 4 and 25 of Arms Act. Subsequently, section 396 of the Indian Penal Code is added.

2. Heard Mr. Aniket Nikam, learned Counsel for the Applicant and Mr. Ajay Patil, learned APP for the State.

3. The F.I.R. is lodged by one Mahendra Patil, who was a resident of Jalgaon. On 24th April 2019, he had gone to Pune. One Rahul Shelar was his friend. This case is about murder of Rahul Shelar. On 26th April 2019, the informant's friend Dr. Sandeep Thosar called from Jalgaon and told him that some people were bringing cash of Rs.25 Crores from Jalgaon to Pune. On 27th April 2019, Dr. Sandeep Thosar again called the informant and told him that one Raheel Khan was bringing that money. On 28th April 2019, Raheel Khan and Sandeep Thosar came to Pune and called the informant to meet them at the lodge. The informant and Rahul Shelar went there at 4.00 p.m. They were told that they had brought that cash amount and it was to be sent to Hadapsar. The informant tried to record their conversation. On 29th April 2019, the informant and Rahul Shelar went to Kornet lodge at Kharadi, at the instance of Raheel Khan. He saw a bag containing money. The informant tried to record a video of the bag and money in his mobile phone recorder. He wanted to send that video to Police. When he had gone to that room, there were five other persons. After

sometime, the informant saw that they were beating Rahul Shelar. The informant was shown a heavy iron knife. The informant was confined to the room. Rahul Shelar was taken outside. Prosecution case is that, Rahul Shelar was murdered by the accused. He was taken to an open ground at Hadapsar. He was assaulted with chopper. His dead body was buried in that ground and thereafter again taken out, kept in a gunny bag and was thrown in a river.

4. Shri. Nikam submitted that there is absolutely no evidence in the present Applicant. The Applicant is not identified in the identification parade. There is no recovery of any incriminating material. The only piece of evidence against the present Applicant is recovery of his own car but that cannot be an incriminating circumstance.

5. Shri. Ajay Patil, learned APP relied on the prosecution's story. He submitted that the offence is serious, beyond that he could not point out any material against the present Applicant.

6. I have considered these submissions. Undoubtedly, the offence is very serious. However, there is no connecting piece of evidence with the present Applicant. The Applicant was not identified in an test identification parade. There is no recovery of any incriminating material. Recovery of his own vehicle at his own instance can hardly be a circumstance against the present Applicant. There is no other connection shown with the offence. In this view of the matter, the Applicant will have to be released on bail. He is in the custody since 20th June 2019. The investigation is over and the charge-sheet is filed.

7. Hence, the following order :

ORDER

- (i) In connection with C.R. No.188 of 2019 dated 01st May 2019, registered at Chandannagar Police Station, Pune, 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) Looking at the prevailing circumstances, it may not be possible for the applicant to furnish sureties

immediately. Therefore, initially the applicant is permitted to furnish cash bail for the same amount. The applicant will have to furnish the sureties, as directed, within three months from today.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)