

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.937 OF 2021**

Shivram Hanumanta Kattula ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Prashant Mohan Patil, Advocate for the Applicant.

Ms. P.P. Shinde, APP for the Respondent - State.

Mr. Radul Lad, API, Khed Police Station, Pune (Gramin).

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 26th APRIL 2021.

PC. : Through video conference

1. Heard the learned counsel for the applicant and the learned APP for the Respondent – State.

2. This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 24th August 2020 in Crime No.306/2020 registered with Khed Police Station, Dist. Pune for the offences punishable under section 302 of Indian Penal Code. Investigation is completed and charge sheet is filed.

3. It is the case of the prosecution that on 8th August 2020 two abandoned dead bodies were found in mouje Shirolu at mountain at Khapardara in the land owned by Advocate Karnavat. A report was lodged to that effect by Mangesh Sawant and that he was informed about the same by Datta Walunj. It is alleged that Scooty motorcycle used in the commission of offence was recovered at the instance of the present applicant. The dead bodies were identified as that of Niranjana Gurav and Bajrang Jadhav. The case of the prosecution is that accused nos.1 and 2 wanted to take vengeance against the deceased persons as they were involved in the murder of their brother. It was suspected that the deceased are involved in causing the death of one Aniket, brother of principal accused Suraj Randive and therefore, Suraj Randive along with his friends had conspired to cause homicidal death of the two persons viz. Niranjana Gurav and Bajrang Jadhav. In the present case, there is no specific overt act attributed to the present applicant.

4. That in the present case, there are no eye witnesses. There is no evidence of 'last seen' in the company of deceased. The material collected in the course of investigation shows that there is suspicion against Suraj Randive and it is alleged that Suraj Randive alongwith

his associates has caused the death of Gurav and Jadhav. But, there is no material to connect the present applicant with Suraj Randive and therefore, he deserves bail.

5. Investigation is completed and charge sheet is filed. Hence, the applicant deserves enlargement. Hence, the following order :-

ORDER

- (i) Application is allowed;
- (ii) Applicant be enlarged on bail in Crime No.306/2020 registered with Khed Police Station, Dist. Pune, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or more solvent sureties in the like amount;
- (iii) Applicant shall not tamper with the evidence;
- (iv) Application is disposed on above terms;
- (iii) Parties to act upon authenticated copy of the order.

(SMT. SADHANA S. JADHAV, J)