

Mr. Satyavrat Joshi i/b Sachin T. Zalte, for the Applicant.
Smt. Anamika Malhotra, APP, for the State-Respondent.

RESERVED ON : 4th December, 2021.
PRONOUNCED ON : 14th December, 2021.

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in C.R. No. 1050 of 2020 registered with Bharti Vidyapith Police Station, District- Pune for the offences punishable under Sections 302, 301 r/w 34 of the Indian Penal Code.

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highway. Accordingly FIR came to be registered. During the course of investigation, it revealed that accused, namely, Rohidas Patole had killed deceased with the help of co-accused Kunal Patole, Pravin Shinde (applicant) and Omkar Sarke and threw the dead body opposite the side of lake Shrusti lodge.

3 Mr.Joshi, learned Counsel for the applicant, submits that the whole case is based on circumstantial evidence. There is not a single circumstance which would indicate the involvement of applicant in the alleged offence. Investigation is completed. Charge-sheet has been filed. Applicant, therefore, deserves to be enlarged on bail.

4 Ms. Malhotra, learned APP, on the other hand, has fairly submitted that the case of the prosecution is based on circumstantial evidence. The circumstances are not such which would indicate the involvement of the accused.

5 Perused investigation papers. I have also gone through the order passed by the learned trial Court. It appears that only on the basis of disclosure statement of co-accused Kunal Patole under Section 27 of the Indian Evidence Act and as the applicant was named in that statement,

learned trial Court was pleased to reject the application. In my considered view, learned Additional Sessions Judge misdirected himself and failed to take into account the evidentiary value of disclosure statement so recorded under Section 27 of the Indian Evidence Act.

6 Apart from above, prima-facie, there is nothing on record to show even remotely the involvement of the applicant. The applicant has made out a case for bail. Hence, the following order.

ORDER

(i) Applicant- Pravin Dilip Shinde shall be released on bail in C.R. No. 1050 of 2020 registered with Bharti Vidyapith Police Station, District- Pune on his executing P .R. bond in the sum of Rs. 15,000/- with one surety in like amount.

(ii) The applicant shall not tamper with the prosecution evidence and shall attend the trial regularly.

(iii) Bail before the trial Court.

(vi) The application is allowed in the aforesaid terms and stands disposed of accordingly.

**REKHA
PRAKASH
PATIL**

Digitally signed by
REKHA PRAKASH
PATIL

Date: 2021.12.14
14:14:00 +0530

Rekha Patil

(V. G. BISHT, J.)

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