

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

CRIMINAL BAIL APPLICATION NO.879 OF 2020

Rohan @ Chikya Bapurao Ravatale ...Applicant
V/S.
The State of Maharashtra ...Respondent

Mr. Satyavrat Joshi, Advocate for Applicant.
Mrs. J. S. Lohokare, APP for State – Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATED : 15th FEBRUARY, 2021.**

P.C.

1. The Applicant is seeking his release on bail in connection with C.R. No.458 of 2019 dated 07th November 2019, registered at Vita Police Station, District Sangli, under Section 302, 397 read with 34 of the Indian Penal Code. The Applicant was arrested on 13th November 2019 and since then, he is in the custody. The investigation is over and the charge-sheet is already filed.

2. Heard Mr. Satyavrat Joshi, learned Counsel for the Applicant and Mrs. J. S. Lohokare, learned APP for the State.

3. The prosecution's case is that on 06th November 2019 at about 09.30 p.m. there was some quarrel between the three Accused and the deceased Balasaheb Karande on some petty issue of overtaking a two wheeler. Getting enraged in the quarrel, all the Accused chased him and assaulted him with a knife causing his death.

4. The F.I.R. was lodged by father of the deceased on 07th November 2019. The deceased was found in an injured condition by a villager, who informed others. The injured Balaji was moved to hospital but he succumbed to injuries in the hospital.

5. The prosecution case is that the Accused including the present Applicant had committed this offence.

6. Shri. Joshi, learned Counsel for the Applicant submitted that there is no incriminating material against the present Applicant. There are no eye witnesses and no circumstance is against him. The only weak piece of evidence is

in the nature of recovery of a wallet containing Driving Licence, Aadhar Card and Pan Card of the deceased. He submitted that such recovery will not by itself show that the Applicant was concerned with the murder.

7. The learned APP submitted that one Karishma Nayakwadi had seen three persons going on one motorcycle around the area around that time. She submitted that this circumstance coupled with recovery of the identity cards of the deceased shows involvement of the present Applicant.

8. I have considered these submissions. As far as Karishma's statement is concerned, that does not take the prosecution case any further. She had only seen three persons riding a motorcycle and going in a speed around that spot around that time. But no test identification parade was held to enable her to identify those suspects. Therefore that is not an incriminating piece of evidence. The postmortem notes show that the deceased had suffered four serious injuries. The cause of death was hemorrhagic shock due to penetrating injuries to

lung. In that case, it would have been natural that some blood stains should have been found on the clothes of the assailant. In this case, no such evidence is forth coming as far as the present Applicant is concerned. The only circumstance against him is recovery of a wallet at his instance. This was recovered from his house. This circumstance has, of course, remained unexplained through the submissions of Shri. Joshi. But as he submitted, it is only a solitary piece of incriminating circumstance that will not complete the chain of circumstances and more importantly it will not point unerringly to the commission of murder by the appropriate Applicant.

9. I find force in his submission that it may not be sufficient material against the Applicant. However, this question is best left for the Trial Court to decide. For consideration of grant of bail, the weak nature of the over all evidence can be taken into consideration. At this stage, bail can be given to the present Applicant. Observation made in this Application are restricted to this order. The Trial Court shall not be influenced by

any of these observations. The Trial Court shall independently examine all those circumstances in this case against all the accused. Considering the above discussion, I am inclined to grant bail to the present Applicant.

10. Hence, the following order :

ORDER

(i) In connection with C.R. No.458 of 2019, registered at Vita Police Station, District Sangli, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)