

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

CRIMINAL BAIL APPLICATION NO. 945 OF 2020

Bablu @ Avinash Anil Jagtap	... Applicant
versus	
The State of Maharashtra	 Respondent

.....

Mr. Satyavrat Joshi i/b. Mr. Sunil S. Kamble, Advocate for the Applicant.

Smt. A. A. Takalkar, APP for State-Respondent.

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CORAM : SARANG V. KOTWAL, J.
DATE : 08th FEBRUARY, 2021

P.C. :

. The applicant is seeking his release on bail in connection with C.R. No.251/2019 registered at Vadgaon Police Station, Dist. Kolhapur on 8th May 2019 under Sections 302 and 201 of Indian Penal Code.

2. Heard Mr. Satyavrat Joshi, learned Counsel for the applicant and Smt. A. A. Takalkar, learned APP for the State.

3. The applicant is arrested on 12th May 2019 and since then he is in custody. There were five other accused. They are at

present released on bail. The applicant is the only accused who is in custody in connection with this offence. The investigation is over and chargesheet is filed.

4. The prosecution story is that, on 8th May 2019, a dead body was found in a well in the village Manpadale. The dead body was highly decomposed. The F.I.R was lodged. During investigation, the police came up with a theory that the deceased Aniket Walwekar was harassing his family members and therefore, his parents Rekha and Arun, his sister Shivani with the help of present applicant and another accused Suraj Thanekar forced him to consume poison and thereby, committed his murder. The deceased was still alive. He was throttled to death. However, as of today there is no specific cause of death mentioned because the body was highly decomposed. The medical opinion is that though exact cause of death could not be given, death due to drowning was not ruled out.

5. Shri Joshi, learned Counsel for the applicant submitted that there is hardly any evidence against the present applicant. All the accused are already released on bail. Therefore, on parity also,

the applicant deserves to be released on bail.

6. Learned APP relied on the statement of widow of the deceased and two other witnesses to submit that there is some evidence against the present applicant.

7. I have considered their submissions. With the assistance of both the learned Counsel, I have perused the chargesheet. The statement of widow shows that the deceased was having dispute with his family and there used to be frequent quarrels. One accused Suraj Thanekar used to frequently come to their house. He used to be accompanied by the present applicant and one Abhijeet Suryavanshi. On 1st May 2019, this witness had gone to her parental house, at that time, the deceased told her that he was apprehending danger to his life. Since 5th May 2019, she had lost contact with the deceased.

8. Statement of one Manoj Patil shows that on 4th May 2019, at around 7.45 p.m., the deceased had called this witness and told him that his family members were forcing him to consume poison.

9. Another witness Vinayak Suryawanshi has stated that,

on 4th May 2019, Suraj and the applicant had gone to the house of the deceased. Beyond that, there is absolutely no reference either to the applicant or his connection with the deceased.

10. There is one other circumstance against the present applicant that is recovery of a Sim Card at his instance. The prosecution case is that, before throwing the deceased in a well his mobile phone was removed. The handset was kept by Suraj and Sim Card was given to the present applicant. However, there is no connecting piece of evidence against the present applicant to establish that the Sim Card had any connection with the deceased.

11. Considering this very weak nature of evidence against the present applicant and also taking into account the fact that all the other accused are released on bail who have more or less, similar evidence against them, I am inclined to grant bail to the present applicant.

12. Hence, the following order.

ORDER

- (i) In connection with C.R. No.251/2019 registered at Vadgaon Police Station, Dist. Kolhapur, the

Applicant be released on bail on his executing 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.)