

Versus

The State of Maharashtra ... Respondent

Mr. Satyavrat Joshi, for the Applicant.

Mr. Ameet A. Palkar, APP, for the State-Respondent.

CORAM : V. G. BISHT, J.

RESERVED ON : 30th November, 2021.

PRONOUNCED ON : 14th December, 2021.

PC:-

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in C.R. No. 463 of 2019 registered with Jath Police Station, District- Sangli for the offences punishable under Section 302, 201 r/w 34 of the Indian Penal Code.

2 It is the case of prosecution that on 21/12/2019 main accused Samadhan Dilip Choudary and the applicant pushed the deceased, namely, Sushant Nagnath Choudhary from the terrace of the house. They then carried him in i-20 car bearing registration No. MH-45-AE-5333 at village Muchandi where they killed him by hitting a stone

on his head. FIR accordingly came to be filed.

3 Mr. Joshi, learned Counsel for the applicant, submits that one of the co-accused, namely, Jotiram Shivaji Sawant is already released on bail by the learned Trial Court. The case of prosecution rests on circumstantial evidence. Except CCTV footage panchanama there is nothing against the applicant. There are no criminal antecedents. The trial may take its own time. In such circumstances, the applicant deserves to be enlarged on bail, argued learned Counsel.

4 Mr. Palkar, learned APP, does not dispute the above submissions and submits that appropriate order may be passed.

5 Perused the investigation papers including the panchanama dated 29/12/2019 in respect of CCTV footage which was collected from the M. K. Petroleum. It seems that on 20/12/2019 co-accused Samadhan Choudhary and the applicant were found in a vehicle i-20 while they had been to the petrol pump for filling the petrol. Except that there is nothing on record to even remotely suggests that the applicant in any manner is connected with the death of the deceased.

6 Having regard to the material on record, in my considered opinion, the applicant has made out a case for bail. Hence, the following order.

ORDER

(i) Applicant- Sagar Vishnu Jamdade shall be released on bail in C.R. No. 463 of 2019 registered with Jath Police Station, District- Sangli on his executing P .R. bond in the sum of Rs. 20,000/- with one or more sureties in like amount.

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

(iii) The observations made herein-above are prima-facie in its nature for the purpose of deciding the bail application only. The trial Court shall not be influenced by the observations while deciding the case on merits.

(iv) Bail before the trial Court.

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

REKHA
PRAKASH
PATIL

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Date: 2021.12.14
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Rekha Patil

(V. G. BISHT, J.)

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