

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 BAIL APPLICATION NO.1670 OF 2021

AKSHAY SURESH KULTHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. N.S. Ghanekar h/f. Kahalekar Kuldip S.
APP for Respondents/State : Mr. V.S. Badakh
...

CORAM : M.G. SEWLIKAR, J.
DATE : 2nd February, 2022

PC.:-

By this application, applicant is seeking his enlargement on bail in connection with Crime No.286/2021 registered with Rahuri Police Station, District Ahmednagar under Section 302, 201, 120-B, 212, 363, 364, 341.

2. Briefly stated prosecution case is that informant is the wife of the deceased. Deceased-Rohidas Datir was the journalist. On 6th April, 2021 at 12.30 pm one Sambhaji Varale friend of deceased-Rohidas Datir made a phone call to the informant informing her that deceased-Rohidas had been abducted by unknown persons in Scorpio of white colour. She made a phone call to deceased-Rohidas, but his mobile was switched off. On making inquiries at the spot of the incident, she was told that her husband was abducted in white Scorpio by some unknown persons. Accordingly, she

lodged the FIR against unknown persons. Dead body was found behind Rotary Club Blood Bank on Rahuri college road.

3. Name of accused no.1 was disclosed by an eye witness. On interrogation name of applicant came to be disclosed through memorandum statement of accused no.1. Accused/applicant, after the commission of the crime, had absconded. He came to be arrested from Jehanabad, U.P.

4. Learned counsel Shri Ghanekar submits that only evidence against the applicant is that he was found sitting in the car with accused no.1. He submits that identification parade has been held and applicant has been identified by the witness Ravindra Kale. He submits that one iron rod is recovered from him. Except this there is no evidence connecting the applicant with the offence.

5. Learned APP Shri Badakh submits that applicant was one of the conspirators. He has shown the spot where the conspiracy was hatched. He endorses the submissions of the learned counsel Shri Ghanekar that applicant has been identified by witness-Ravindra Kale and rod has been recovered from him. Except this evidence there is no other evidence against the applicant.

6. Witness-Ravindra Kale has stated that on 6th April, 2021 accused no.1-Kanhu More went to his house. Kanhu More came to the house of the

witness Ravindra Kale in Scorpio of white colour along with three persons. The remaining three persons were sitting in Scorpio of white colour. Kanhu More requested witness-Ravindra Kale to drop these four people at Newasa in the car of this witness. Accused-Kanhu More told witness-Ravindra Kale that deceased-Ravindra Datir was reporting against accused no.1-Kanhu More regarding his illegal dealings in real estate. Therefore, he and his accomplices had abducted him and broken his legs. When Ravindra Kale asked about the names of other three persons sitting in the car, accused-Kanhu More refused to give any answer. According to the prosecution applicant with other two accused and accused Kanhu More were sitting in the car. He has been subsequently identified by Ravindra Kale. There is recovery of iron rod from the applicant. Except this there is no other evidence connecting the applicant with the offence. Just because applicant was sitting in the car it cannot be said that he was one of the conspirators to kill the deceased. Having regard to the evidence collected by the prosecution against the applicant, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.286/2021 under Section 302, 201, 120-B, 212, 363, 364, 341 of the I.P.C. with Rahuri Police Station, District Ahmednagar on condition

that he shall not leave the jurisdiction of Court without prior permission of the Court and shall deposit his passport, if any, with the concerned police till the conclusion of the trial. He shall not tamper the prosecution evidence.

- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]