

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1738 OF 2022**

1. Pradeep @ Banti Vilas Kambale

2. Sachin Tukaram Ghodake ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. Niranjan Mundargi i/b Mr. Keral Mehta for the Applicant.

Mr. A.R. Kapadnis, APP for the State.

Mr. Y. B. Yangar, API Sangola Police Station, Present.

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CORAM : N.R. BORKAR, J.

DATED : 2 DECEMBER 2022

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicants came to be arrested in Crime No. 1368 of 2021 registered at Sangola police station for the offence punishable under Section 302, 201 of the Indian Penal Code.

3. The applicants are accused Nos. 3 and 4 in the aforesaid crime. The deceased was the husband of accused No. 5. According to the prosecution the accused No. 5 had illicit relationship with accused

No. 2. It is alleged that accused No. 5 had received the amount of Rs. 28 lakhs towards compensation for acquisition of land and out of the said amount she gave certain amount to accused No. 2. It is alleged that deceased was asking accused No. 5 to whom she had given money and as she was avoiding to disclose, he used to quarrel with her. It is alleged that accused No. 2 thus alongwith present applicants hatched the conspiracy and committed the murder of the deceased.

4. I have heard the learned counsel for the applicants and the learned APP for the respondent-State.

5. The learned counsel for the applicants submits that there is no material at all to connect the present applicants with the alleged crime. It is submitted that the applicants are in jail for more than one year and further detention of the applicants is not necessary as the investigation is over. It is thus submitted that the applicants may be released on bail.

6. On the other hand the learned APP for the respondent-State submits that the present applicants are involved in the serious crime of murder. It is submitted that during the relevant period the applicants and accused No. 2 were in contact with each other and there is a material to that effect in the form of CDR. It is submitted that considering the nature of offence applicant may not be released

on bail.

7. I have perused the charge-sheet. The motive for alleged crime is attributed to accused No. 5 and accused No. 2. Except CDR there is no other incriminating material to connect the present applicants with the alleged crime. Prima facie there appears to be no reason for the applicants to conspire with the accused No. 2 to commit the alleged crime. I am therefore inclined to release the applicants on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant No. 1. Pradeep @ Banti Vilas Kambale and applicant No. 2. Sachin Tukaram Ghodake shall be released on bail in Crime No. 1368 of 2021 registered at Sangola police station for the offence punishable under Section 302, 201 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- each each with one or two sureties in the like amount.

8. Needless to mention that the observations are prima facie.

(N.R. BORKAR, J.)