

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

CRIMINAL BAIL APPLICATION NO. 3215 OF 2021

Prathmesh Prakash Bhosale	..Applicant
V/s.	
The State of Maharashtra	..Respondent

Mr. B.A. Lawate for the Applicant.
Mrs. J. S. Lokhande , APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 5 APRIL 2022

P.C.

1. The Applicant along with the co-accused has been chargesheeted for the offence punishable under Sections 302, 143, 147, 148 and 149 of IPC, in Crime No. 45 of 2021 registered with Lonand Police Station, Satara, for having intentionally caused death of Suraj Bapurao Dhygude.

2. The Prosecution case is that, the deceased Suraj Bapurao Dhygude had allegedly sent a friend request to the wife of the accused Rajesh Kshirsagar. Annoyed by this, the accused are alleged to have formed an unlawful assembly with the common object of eliminating the deceased. The F.I.R. dated 9 February 2021 lodged by Raghu Dhondiba Dhygude, who is the

uncle of the deceased shows that on 8 February 2021 at about 9:30 p.m. the co-accused Rohit Dhanawade had taken the deceased from his house on a Yamaha Motorcycle. The deceased did not return home till late night. At about 3:00 a.m. on 9 February 2021 the father of the deceased i.e. Bapurao Dhygude told the informant that a phone call is received from the deceased saying that the deceased was in front of the Hotel Shinde Wadewale at Lonand S.T. Stand. The informant along with the father of the deceased and others went to the Lonand S.T. Stand, where they found that the deceased was lying in an injured condition. The deceased told the informant and others that the co-accused Rohit Ravindra Dhanawade, Rakesh Bharat Mane, Ganesh Ashok Bhalerao, Mangesh Uttam Kshirsagar, Rajesh Uttam Kshirsagar, Yogesh Balaso Kamble and 7 to 8 other unidentified persons had assaulted him at Hotel Samadhan by wooden sticks and thereafter, he was taken and dropped in front of the Lonand S.T. Stand. The deceased informed that, this was on account of the fact that he had messaged the wife of Rajesh Kshirsagar.

3. On the basis of such a complaint, the offence came to be registered and on investigation a chargesheet is filed. The Applicant is accused No.7. He was arrested on 10.02.2021 and is in custody since then.

4. I have heard learned counsel for the parties. Perused record.

5. Admittedly, the case is based on circumstantial evidence. The prosecution is relying upon the circumstance of the oral dying declaration made by the deceased to Raghu Dhondiba Dhygude and others in which the name of the Applicant does not figure. The learned APP has pointed out the supplementary statement of some of the witnesses including Sagar Dhygude. However, a bare perusal of these statements show that they are also not eye-witnesses to the present incident. There is no recovery of any incriminating articles at the instance of the Applicant.

6. Learned Sessions Judge has noticed that there was a C.C.T.V. footage from Hotel Samadhan, recovered which is sent for forensic examination. However, the report is yet awaited.

7. Be that as it may. Considering the over all circumstances and having regard to the fact that in the oral dying declaration the deceased had not named the Applicant and the investigation is complete and the charge sheet is filed, I do not find any justification to detain the Applicant behind bars, pending trial.

8. Hence, the following order is passed.

ORDER

i) The Applicant **Prathmesh Prakash Bhosale** be released on bail in Crime No. 45 of 2021 registered with Lonand Police Station, Satara on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall undertake to remain present before the learned Sessions Court, during the course of trial, unless exempted.

iii) The Applicant shall not tamper with the prosecution evidence/witnesses.

iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

v) Bail bonds to be furnished before the learned Sessions Court.

vi) It is made clear that the observations herein are essentially of a prima facie nature and the learned Sessions Court shall not be influenced by the same at the trial.

vii) Criminal bail application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)