

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

BAIL APPLICATION NO. 3842 OF 2021

Shankar Vasant Nandiwale

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mr. Kuldeep U. Nikam a/w Mr. Prasad Avhad, Advocates for the Applicant.
Mr. R. M. Pethe, APP for the Respondent-State.

CORAM : VINAY JOSHI, J.

DATE : 25th APRIL, 2022.

P.C.:

. The applicant is seeking regular bail in Crime No. 9 of 2020, registered with Chinchani-Wangi Police Station, District Sangli, for the offence punishable under Sections 363, 302, 201 r/w 34 of the Indian Penal Code.

2. Besides usual grounds, it is argued that at the most, the accused is liable for the offence punishable under Section 201 of Indian Penal Code. It is pointed out that co-accused charged for the offence punishable under Section 302 of Indian Penal Code is already released by the Sessions Court.

3. The State opposed the bail application by pointing towards seriousness of the offence.

4. It is prosecution case that co-accused namely Shubhangi Jadhav had dispute with the Informant's family being neighboring resident. The co-accused Shubhangi had called the deceased a small boy in her house and had smothered him with the aid of pillow. Thereafter, she called the present applicant, who in turn disposed dead body by throwing it into nearby well.

5. The case is totally based on circumstantial evidence. The co-accused Shubhangi against whom the main allegations are leveled, is released on bail. As per prosecution case itself, the applicant has destroyed the dead body after the occurrence. It is not the case that the applicant was either present at the time of alleged act or he had any motive. Having regard to these facts, the applicant has made out a case for grant of bail. In view of that, the following order:

ORDER

i) The Applicant/Accused Shankar Vasant Nandiwale is released on bail in connection with the Crime No. 9 of 2020, registered at Chinchani-Wangi Police Station, District Sangli, for the offence punishable under Sections 363, 302, 201 r/w 34 of the Indian Penal Code, on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

ii) The Applicant/Accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.

iii) The Applicant/Accused shall provide his cell number and residential address to the Investigating Agency.

- iv) The application is disposed in above terms.

(VINAY JOSHI, J.)