

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

CRIMINAL BAIL APPLICATION NO. 4358 OF 2021

Satish Mahadeo Madane	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. B. A. Lawate, for the Applicant.
Mr. A. R. Kapadnis, APP for the Respondent / State.

**CORAM : C.V. BHADANG, J.
DATE : 2 MARCH 2022**

P.C.

1. By this Application, the Applicant (Accused No.6) is seeking release on bail. The Applicant alongwith 5 others has been chargesheeted for the offence punishable under Section 302, 201 and 120-B r/w. 34 of IPC, arising out of Crime No.878/2021 of Police Station Sangola, District Solapur.

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

3. According to the prosecution, on 11 July 2021 at about 23.00 hours to 24.00 hours, Accused No.1 Vilas Babu Sargar alongwith Accused Nos.2 to 5 have committed murder of Vijay Vilas Sargar, who was creating trouble in the family on account of domestic issues.

4. The learned counsel for the Applicant submitted that there is no allegation that the Applicant has participated in the incident in which the deceased was done to death. He pointed out that the only allegation against the Applicant is that co-accused Santosh Pandhare (Accused No.3) called the present Applicant after the deceased was killed and the Applicant had helped in the disposal of the dead body in a stream. The learned Sessions Judge in para 8 of the order dated 17 November 2021 has also noted the role attributed to the Applicant except that the Sessions Judge has wrongly noted that it was Satish Madane who had called the present Applicant where in fact it was Santosh Pandhare who had called the Applicant.

5. Learned APP, in all fairness, did not dispute that the only role attributed to the Applicant is that he had helped in the disposal of the dead body.

6. The learned counsel for the Applicant has pointed out that section 201 of IPC is a bailable offence.

7. The investigation in the offence is complete and the chargesheet is filed. There is no recovery of any incriminating article from the possession of the Applicant.

7. In such circumstances, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Satish Mahadeo Madane be released on bail in Crime No.878/2021 of Police Station Sangola, District Solapur, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.
- (iii) The Applicant shall undertake to remain present before the learned Sessions Judge during the course of trial, unless exempted.
- (iv) The Applicant shall not directly or indirectly make any attempt to tamper with the prosecution evidence or witnesses.
- (v) It is made clear that the observations made herein are *prima facie* in nature, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
- (vi) Bail bonds to be furnished before the learned Sessions Judge.

C.V. BHADANG, J.