

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

BAIL APPLICATION NO.436 OF 2022

Amol Kacharu Pansare

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Vivek V. Salunke for the Applicant.

Mr. P.H. Gaikwad, APP for Respondent -State.

Mr. Madhukar Narayan Umbare, Police Hawaldar, Yeola Taluka Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED :29th NOVEMBER, 2022.

P. C. :-

1. This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No.144 of 2019 pending on the file of learned Extra Joint District Judge and Additional Sessions Judge, Niphad, for offences punishable under Section 396 of the Indian Penal Code.

2. Heard Mr. Vivek V. Salunke, learned counsel for the Applicant and Mr. P.H. Gaikwad, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The case of the prosecution in brief is that the deceased Tulshiram Surase was working as a Watchman at a stone crusher owned by one Gadepatil at Khambgaon Shivar of Yeola Taluka. The deceased had reported for duties on 27/03/2019. Since he did not return home after the duty hours, Govind Surase, son of the deceased visited the stone crushing site and spotted footwear of his father near truck bearing MH-15 /BJ-7895. He saw the dead body of his father-Tulsiram in the cabin of the said truck. He learnt that some unknown person had committed death of his father and had stolen truck bearing No.MH-14 BJ 3055. Hence, he lodged the FIR pursuant to which C.R. No. I-49 of 2019 came to be registered at Yeola Taluka Police Station, Nashik for the aforesaid offence against unknown person.

4. In the course of the investigation, the Applicant was arrested. It is stated that some of the prosecution witnesses had seen the Applicant doing recce prior to the incident. The Applicant came to be arrested on 19/03/2020. It is stated that the TI parade was conducted on 16/12/2020 and that the Applicant has been identified by six witnesses, who had seen him at the place of the incident prior to the incident. Apart from the said evidence, there is absolutely no material on record to indicate that the Applicant was involved in the

alleged offence. It is also pertinent to note that main accused Ajay Nikam, against whom similar accusations were made has been released on bail by this Court (Coram: V.G. Bisht, J.) by order dated 25/11/2021 in Bail Application No.284 of 2021.

5. Considering the above facts and circumstances and applying the principle of parity, the Applicant is entitled for bail on the following terms and conditions:-

- (i) The Applicant, who is facing trial in Sessions Case No.144 of 2019 pending on the file of learned Extra Joint District Judge and Additional Sessions Judge, Niphad, is ordered to be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall not tamper with prosecution evidence.
- (iii) The Applicant shall co-operate in expeditious disposal of the case.
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and /or change of residence or mobile details, if

any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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