

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 479 OF 2022
WITH
INTERIM APPLICATION NO.1918 OF 2022

Raosaheb Laxman Lokhande ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Niranjana Mundargi i/b. Ms. Tanvi Tapkire and K. Mehta for the Applicant.

Ms. M. M. Deshmukh, APP for the State.

CORAM : N.R. BORKAR, J.
DATED : 18th OCTOBER 2022

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.
2. The applicant came to be arrested in Crime No.317 of 2021 registered at Jath Police Station, Sangli for the offences punishable under Sections 364, 302, 201, 120(B) read with 34 of the Indian Penal Code.
3. It is the case of the prosecution that few days prior to the incident, which took place on 22 June 2021, the deceased had induced the daughter of accused No. 1 to elope with him. It is alleged that the accused No. 1 was

thus annoyed with him and hatched the conspiracy with other co-accused to commit the murder of the deceased. It is alleged that in furtherance of the said conspiracy, the present applicant and the other co-accused abducted the deceased on 22 June, 2021 and then committed his murder.

3. I have heard learned Counsel for the applicant and learned APP for the State.

4. I have perused the charge-sheet. There is no reference of the present applicant in the FIR lodged on 23 June 2021 after the alleged abduction of the deceased on 22 June 2021 and it was mentioned that two unknown persons had abducted the deceased. It appears that after lodging of FIR the statement of alleged eye witness Balu Raju Sargar was recorded on 27 June, 2021 wherein again there is no reference of the present applicant and the said witness has named accused no.2-Jagannath Balappa Lokhande as one of the abductors. The alleged Balu Sargar has, however, for the first time disclosed the name of the present applicant as one of the abductors in his supplementary statement recorded on 30 June 2021. There is no other incriminating material against the present applicant.

5. Considering these facts and circumstances and as investigation is over, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

(i) Bail Application is allowed.

(ii) The applicant be released on bail in C.R. No.317 of 2021 registered at Jath Police Station, Sangli for the offences punishable under Sections 364, 302, 201, 120(B) r/w. 34 of the Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

In view of disposal of the bail application, IA would not survive. It is accordingly disposed of.

(N.R. BORKAR, J.)