

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

BAIL APPLICATION NO. 854 OF 2022

Shubham Raju Chamare	...	Applicant
<i>Versus</i>		
State of Maharashtra	...	Respondent

**WITH
BAIL APPLICATION NO. 196 OF 2022**

Balu Shivram Warghade	...	Applicant
<i>Versus</i>		
State of Maharashtra	...	Respondent

Mr. Aniket Vagal for the Applicants.
Mr. Y. Y. Dabke, APP for the State.

**CORAM : VINAY JOSHI, J.
DATE : 29th APRIL, 2022**

P.C. :-

. Both applications are arising out of crime no. 1002 of 2020 registered with Lonikand Police Station, District Pune for the offence punishable under Sections 302, 364, 201, 120-B read with 34 of the Indian Penal Code. It is the prosecution case in nutshell that deceased used to give tips to the Police of illicit liquor business. At the instance of rivalry, the applicants and co-accused in furtherance their common intention committed murder of Govind Kumar on 15th November, 2020. The informant has lodged report on the basis of hearsay information. There are in all four eye-witnesses to the occurrence. While claiming bail, the applicants' learned counsel would submit that

the applicants were not present at the time of occurrence. Applicants have been falsely implicated in the case. Moreover, bail is claimed on the ground of parity. The State opposed the bail by pointing towards seriousness of offence. It is submitted that during course of investigation, Police have collected call detail record to show connection between the accused.

2. With the assistance of both sides, perused entire charge-sheet. There are four eye-witnesses to the occurrence. Perusal of statements of eye-witnesses indicates that four assailants arrived by a motorcar at the place of occurrence. They were holding deadly weapon by which assaulted deceased and taken him by putting in car. The main allegations are against co-accused Satyam Chamare who is in custody. Applicants were known to the eye-witnesses. Pertinent to note that prior T. I. Parade was not conducted to establish their identity. The prosecution is unable to point out any incriminating material except the CDR. Though certain CDR are produced, however, it is not shown that on the date of occurrence, applicants were in constant touch with co-accused Sunita Chamare at whose behest incident happened. Moreover, it is to be noted that applicant Satyam Chamare is son of Sunit Chamare, whilst applicant Balu is having close relationship. Therefore, their conversion cannot be treated as an adverse, unless something else is shown.

3. This Court has considered all these aspects and released co-accused Sunita Chamare on bail vide order dated 25th November, 2021 in Bail Application No. 2307 of 2021. True, she is a female, however, the applicant also stands on the same pedestal. There is no specific

evidence against the applicants. The investigation is complete and charge-sheet has been filed. In the circumstances, further detention of applicants is no more required. In view of that following order :-

ORDER

- (a) The applicants namely Shubham Raju Chamare and Balu Shivram Warghade be released on bail in connection with crime no. 1002 of 2020 registered with Lonikand Police Station, District Pune for the offence punishable under Sections 302, 364, 201, 120-B read with 34 of the Indian Penal Code, on their furnishing of P.R. Bond of Rs.25,000/- each with one or two sureties with the like amount.
- (b) The applicants shall attend the proceedings of Trial Court on each and every date.
- (c) The applicants 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 evidence.
- (d) Both applications stand disposed in above terms.

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[VINAY JOSHI, J.]