

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 887 OF 2020

Laxman Tukaram Khutekar ..Applicant

V/s.

The State of Maharashtra

And Ors. ..Respondent

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Ms. Sana Raees Khan i/b Hulyalkar & Associates for the  
Applicant.

Mrs. J.S. Lohokare, APP for the Respondent/State.

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CORAM : C.V. BHADANG, J.

DATE : 6 APRIL 2022

P.C.

1. By this application, the Applicant-Accused is seeking release on bail in crime No.444 of 2019 of Sangavi Police Station, Pimpri-Chinchwad, District Pune, for the offence punishable under Section 302 of IPC and Section 4 read with Section 25 and Section 4 read with Section 27 of the Arms Act and Section 37(1) read with Section 135 of the Maharashtra Police Act.

2. The aforesaid crime is registered on the basis of the complaint lodged by Gurubalappa Biradar on 17.04.2019. The deceased Ashok Biradar, was the brother of the informant Garubalappa. The deceased was having a love affair with Suram,

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daughter of Mallappa Shevari. Suram got married to the Applicant in the year 2000. The deceased was also married in the year 2013. However, the deceased continued with the love affair with Suram, the wife of the Applicant inspite of persuasion by the informant and others. Thus according to the prosecution being annoyed by such relationship, the Applicant assaulted the deceased on 16.04.2019 resulting into his death.

3. In this case, after investigation, a chargesheet is filed and the trial has commenced before the learned Sessions Judge at Pune.

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

5. It is submitted by the learned counsel for the Applicant that all the prosecution witnesses who are claiming to be eye-witnesses have turned hostile. It is pointed out that even the complainant has turned hostile and has not supported the prosecution.

6. The learned counsel for the Applicant has produced compilation of the evidence of PW-1 to PW-8. A copy is furnished to the learned APP. This application was adjourned in order to enable the learned APP to go through the record and evidence recorded and then to make appropriate statement in the

context of the submissions made by the learned counsel for the Applicant.

7. Today, the learned APP in all fairness submitted that the material prosecution witnesses have been examined and have not supported the prosecution.

8. It is not necessary to preempt the decision of the Sessions case at this stage.

9. However, considering the fact that the material prosecution witnesses have not supported the prosecution, the following order is passed.

### **ORDER**

i) The Applicant **Laxman Tukaram Khutekar** be released on bail in Crime No. 444 of 2019 registered with Sangavi Police Station, Pimpri-Chinchwad, District Pune, on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall undertake to remain present before the learned Sessions Court, during the course of trial, unless exempted.

iii) The Applicant shall not tamper with the prosecution evidence/witnesses.

iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

v) Bail bonds to be furnished before the learned Sessions Court.

vi) It is made clear that the learned Sessions Judge shall decide the Sessions Case on its own merits and in accordance with law without being influenced by the observations made herein.

vii) Criminal bail application is disposed of in the aforesaid terms.

**(C.V. BHADANG, J.)**