

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.726 OF 2022

Dttatray Devidas Hajare	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Aniket Nikam i/by Mr.Vivek N. Arote with Mr.Ashish Satpute,
Advocate for applicant.
Mr.A.A.Palkar, APP, for State.

AND
CRIMINAL BAIL APPLICATION NO.921 OF 2022

Sagar Dilip Binawat	Applicant
versus	
versus	
The State of Maharashtra	Respondent

Mr.Vikas Shivarkar, Advocate for applicant.
Mr.A.A.Palkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th October 2022

PC :

1. The applicants are arrested in C.R No.884 of 2021 registered with Kondhwa Police Station, District Pune for offences under Sections 302, 201 r/w 34 of Indian Penal Code and under Section 25(3) of Arms Act.

2. The FIR was registered on 13th October 2021 by the wife of deceased Ganesh Taralekar. It is alleged that on 11th October 2021 the applicants fired at the deceased for unknown reason and killed

him. The factual matrix of the case indicate that the applicants were allegedly present at the house with the deceased at the time of incident. Police were informed about the incident. Police visited the place of incident. Panchanama was recorded on 12th October 2021, which proceeds on the footing that deceased had shot himself by pistol and that due to fire the applicant no.2 threw the said pistol in the well under the fear that accused may be implicated in the case. Apparently police had informed the incident to the complainant, who is the wife of deceased, and thereafter FIR was registered. Supplementary statement of complainant was recorded in which she has stated that there were financial transactions between accused and the deceased which is the cause of incident of firing at the deceased.

3. The case is based on circumstantial evidence. The applicants were friends of deceased. They were present at the scene of incident. It is submitted that there was no reason for the applicants to commit crime. There is no evidence to establish that applicants had fired at the deceased. The version of complainant is after thought. The complaint is silent about any motive for commission of crime by applicants. There were matrimonial differences between deceased and the complainant. The deceased was in disturbed state of mind. The applicants are in custody.

4. Learned APP submitted that CCTV footage installed near the place of incident indicate that both the applicants were present when the incident had taken place. The complainant has attributed motive to the applicants for firing at the deceased stating that there were financial transactions between them.

5. From the contents of FIR and statements of witnesses recorded during investigation it appears that applicants were present near scene of offence, however, there is no cogent evidence to establish that the applicants were instrumental in firing at the deceased. Motive attributed to the applicants is after thought since it is reflected in the supplementary statement and not in the complaint. The circumstance that CCTV footage refers to the entry of applicants in the building, cannot be considered adverse against applicants since case proceeds on the footing that applicants are friends of deceased and they were present when the victim had fired from pistol. There is no evidence on record that applicants had any motive to commit crime. Their relations with the deceased were cordial. Considering the circumstances, bail can be granted to the applicants.

ORDER

- (i) Both the bail applications are allowed and disposed off;
- (ii) The applicants are directed to be released on bail in connection with C.R No. 884 of 2021 registered with Kondhwa Police Station, District Pune, on executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants are permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of sureties;
- (iv) The applicants shall report Kondhwa Police Station once in three months on every first Saturday between 11 am and 1 pm;
- (v) The applicants shall not approach complainant and contact her;
- (vi) The applicants not tamper with prosecution evidence;

(vii) The applicants shall attend Trial Court on dates of hearing regularly, unless exempted by Trial Court for any reason;

(PRAKASH D. NAIK, J.)

MST