

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

**BAIL APPLICATION NO.1062 OF 2022
WITH
INTERIM APPLICATION (stamp) NO.18903 OF 2022
IN
BAIL APPLICATION NO.1062 OF 2022**

Prajwal Sachin Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Ranjeet M. Pawar for the Applicant.

Mr. M.G. Patil, APP for Respondent -State.

Mr. Sadashiv Gaikwad, PSI, Loni Kalbhor police station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 23rd NOVEMBER, 2022.

P. C. :-

1. The interim application is wrongly tagged along with this application. Same be de-tagged.
2. This is an application under Section 439 of Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No.57 of 2022 pending on the file of learned Additional Sessions Judge, Pune, for the offence punishable under Section 302 of the IPC.
3. Heard Mr. Ranjeet Pawar, learned counsel for the Applicant

and Mr. M.G. Patil, learned APP for Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. Mrs. Yogita Salunkhe, widow of the deceased Gautam Salunkhe, had lodged the FIR on 11/07/2021 stating that on 10/07/2021 during morning hours her husband had left the house. He did not return home till late night. When she had called him on phone at about 1.00 a.m. he had told her that he was at Octroi post at Fursungi and that he will return in some while. On the next day body of her husband was found at Bajare Mala Devachi Uruli, Taluka-Haveli, District -Pune in an injured condition. She had lodged a report against unknown person.

5. In the course of the investigation co-accused were arrested. Body was referred for post mortem. Post mortem report prima facie revealed several lacerated wounds over the face of the deceased. Doctor has opined that death was due to head injury. In the course of interrogation statement of Nagnath Gundappa Vitthalkar, Manager of Swarg Lodge, Fursungi, was recorded. He has stated that on 10/07/2021 @ 12.30 a.m. the deceased had taken a room in his lodge.

He has stated that at about 12.30 a.m. accused No.1- Rushikesh Borgave had also come to the lodge along with some boys in his rikshaw. It is stated that he had also seen the deceased talking to Rushikesh Borgave outside his lodge. The deceased left the place along with accused No.1 and other boys in the riksha. This witness had not identified the Applicant. This witness has not named the Applicant and no ID parade was conducted. As a consequence thereof, prima facie, the statement of this witness does not establish identity of the Applicant. Similarly, CCTV footage also does not help the prosecution in establishing the identity of the Applicant. There is no other prima facie material or circumstances to link the Applicant with the aforesaid crime.

6. Hence, the application is allowed on the following terms and conditions:-

- (i) The Applicant, who is facing trial in Sessions Case No.57 of 2022 pending on the file of learned Additional Sessions Judge, Pune, is ordered to be released on bail on furnishing PR bonds in the sum of Rs.30,000/- with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned police station as and when required by the Investigating Officer;
- (iii) The Applicant shall co-operate with the investigation;
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time;
- (v) The Applicant shall not tamper with the evidence and/or witnesses in any manner.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)