

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

CRIMINAL BAIL APPLICATION NO. 1668 OF 2022

Sanket @ Sonya Ankush Dude ...Applicant
Versus
State Of Maharashtra ...Respondent

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Mr. Satyavrat Joshi i/by Mr. Ashraf A. A. Shaikh, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 13th OCTOBER, 2022.

PER COURT:

1. The applicant was arrested on 15.05.2018 in connection with C.R. No.50 of 2016 registered with Talegaon MIDC Police Station, Pune for offence punishable under Section 302 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that, on 14th June, 2016, the complainant received a phone call of one of his cousin Sunil Anil Shevkar informing him that Rohit alias Bunty has been murdered in the land of Mr. Shevkar. Upon receiving the said information, complainant immediately reached the spot. Rohit alias Bunty Sudam Shevkar happens to be cousin of the complainant. He had

registered F.I.R. of Crime No. 50 of 2016 was registered. During course of investigation, the statements of friends of the deceased were recorded. It had transpired that two persons Aniket Ankush Dude and Akshay Rajabhau Mule had caused brutal assault upon the deceased at the instance of the present applicant. Both the accused were arrested. They were found to be juvenile in conflict with law and were enlarged on bail. They are facing proceedings before the Juvenile Board. There were exchange of calls between the present applicant and both the juvenile in conflict with law just before the incident and soon after the incident. The supplementary statement of one Meena Sudam Shevkar was recorded, in which it has surfaced that the applicant had threatened victim. Meena has further alleged that the present applicant happens to be a friend of Aniket and Akshay. It is also alleged that in the year 2015 at the time of immersion of Ganesh idol, there was a quarrel with the deceased and therefore Rohit was hit by the juvenile in conflict with law.

3. Learned Advocate for the applicant submitted that there is no direct evidence against the applicant. The applicant is not the assailant. He has been implicated on the ground of motive. The prosecution is relying upon statements of two witnesses namely

Meena Shevkar and Ganesh Aher to support the case that there is motive for the applicant to commit crime. The applicant is in custody for a period of about 4 years and 3 months. There is no evidence of call records.

4. Learned APP submitted that the applicant is having criminal antecedents. Five cases are registered against him in the past. The applicant has motive to commit crime which is evident from the statements of witnesses referred to herein above. The charge is framed on 03.02.2020. The trial would commence immediately. The application of Ganesh Shankar Tangade was rejected by this Court.

5. It is not in dispute that the evidence against the applicant is in the form of motive for committing the crime based on the two witnesses referred to herein above. There is no strong evidence to connect him with the crime. The applicant is in custody for a period of about 4 years and 3 months.

6. Considering the nature of evidence further detention of the applicant is not called for. Hence, case for grant of bail is made out.

ORDER

- i. Criminal Bail Application No.1668 of 2022 is allowed;

- ii. The applicant is directed to be released on bail in connection with C.R. No.50 of 2016 registered with Talegaon MIDC Police Station, Pune on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety;
- iv. The applicant shall not enter into the jurisdiction of Pune District after released on bail till further orders;
- v. Bail Application is disposed off accordingly.

(PRAKASH D. NAIK, J.)