

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2355 OF 2021

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Shankar Bhamhdev Shinde

..Applicant

Vs.

The State of Maharashtra

..Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 2261 OF 2021

Ravi Ashok More

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr. Satyavrat Joshi i/b Nitesh Mohite for the Applicant in
BA/2355/2021.

Mr. Omkar Warange for the Applicant in BA/2261/2021.

Mr. S.R. Agarkar , APP for the Respondent / State.

CORAM : C.V. BHADANG, J.

DATE : 21 FEBRUARY 2022

P.C.

. Both these applications, seeking bail arise out of Crime No. 68
of 2021 of Police Station Talegaon Dabhade for the offence
punishable under Section 302, 201, 120-B read with Section 34 of
IPC.

2. According to the prosecution, the deceased Sahadev Maruti Solanki used to abuse accused No.1 Shankar Shinde under the influence of liquor. Hence, the accused No.1 Shankar Shinde along with accused Nos. 2 to 4 had hatched a conspiracy to eliminate Sahadev. Sahdev Solanki was called for consuming liquor and he was taken in a Xylo vehicle bearing No. MH-12-GV-185 to the open space in MIDC area and he was strangled and the dead body was disposed off in Pauna river in order to destroy evidence.

3. I have heard the learned counsel for the parties.

4. According to the prosecution, the incident happened somewhere in August 2018 and the Applicants came to be arrested on 08.02.2021 on the basis of a secret information. This is a case based on circumstantial evidence as there is no eye witness account of the incident available on record. The prosecution is relying upon an extra judicial confession allegedly made by the Applicants. I have gone through the relevant record and at least prima facie the confession as spoken to by the witnesses Shreeram Waghole, Sandeep Rithe etc. does not answer the test of it being an extra judicial confession. The witnesses claim that they had overheard a conversation containing the confession. There are no circumstances such as last seen together or recovery of any incriminating articles from the Applicants. The investigation is complete and the

chargesheet is filed. The FIR is dated 08.02.2021 and the statements of the witnesses on the point of extra judicial confession are recorded on 16.02.2020. It is significant to note that although such extra judicial confession was disclosed during the investigation, no offence was registered at that time and the offence is registered, a year thereafter.

5. The learned counsel for the Applicants submits that the deceased was a history-sheeter and in all probability had many enemies and there is no evidence to connect the Applicants to the alleged crime.

6. Considering the over all circumstances and the fact that the case is based on circumstantial evidence and the investigation in the offence is complete and the chargesheet is filed, the following order is passed:

ORDER

i) The Applicants **Shankar Bhamhdev Shinde** and **Ravi Ashok More** be released on bail on executing a PR Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

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

iii) The Applicants shall not directly or indirectly make any attempt to contact or to influence or 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 Judge.

vi) It is made clear that the observations herein are essentially of a prima facie nature and the learned Sessions Judge shall not be influenced by the same at the trial.

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

C.V. BHADANG, J.