

VAISHALI
ANIL
TIKAM

Digitally
signed by
VAISHALI
ANIL
TIKAM
Date:
2022.11.18
16:24:11
+0530

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

BAIL APPLICATION NO. 1394 OF 2020

Ravindra Suresh Khalale ... Applicant

Vs

The State of Maharashtra ... Respondents

...

Mr. N.R. Bubna for Applicant

Mr. N.B. Patil, APP for State

PC/930 P.S. Shide, Satana Police Station, Nashik Rural present.

CORAM : SANDEEP K. SHINDE J.

DATE : 18th NOVEMBER, 2022.

P.C. :

1. Applicant seeks his enlargement on bail in connection with Crime No. I-193 of 2020 registered with Satana Police Station for the offences punishable under Section 302, 201 of the Indian Penal Code. The Applicant happens to be the Accused No.2 in the trial.

2. The prosecution case is that deceased had objectionable video recording of the Accused No.1 and on that count was

harassing the Accused No.1, threatening to make it public. This according to the prosecution, is the motive which prompted to accused No.1 in connivance with Accused No.2 to assault and eliminate the deceased.

3. Heard Mr. Bubna, learned counsel for the Applicant and Mr. Patil, learned APP for the State.

4. The prosecution case is based on circumstantial evidence, meaning thereby there are no eye witnesses to the alleged incident of assault by the Applicant and the co-accused on the deceased. The only material to connect the applicant to the said crime is transcript of conversation between the accused No.1 and Accused No.2, wherein the accused No.1 had allegedly made call to accused No.2 from the mobile of her nephew Prithviraj Ahire. Although the prosecution has allegedly seized the blood stained cloths of the applicant -Accused no.2, the CA report has not been placed on record.

5. Mr. Bubna would rely on the order dated 22nd August, 2022 passed by the Coordinate Bench, whereby, the accused No.1

has been granted bail. It appears therefrom, although the trial has commenced, since after in December, 2021, prosecution has not examined its witness. Reason being, complainant is seeking appointment of Special Public Prosecutor in the subject trial. Be that as it may, in consideration of the facts of the case, a case is made out for granting the bail to the applicant. Thus, the following order:

ORDER

- (i) The applicant in Crime No. I-193 of 2020 registered with Satana Police Station, shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.
- (ii) The Applicant shall undertake to remain present before the learned Sessions Judge during the course of trial, unless exempted.
- (iii) The Applicant shall not directly or indirectly make any attempt to contact or influence the prosecution evidence and shall not otherwise tamper with the prosecution evidence.
- (iv) Bail bonds to be furnished before the learned Sessions Judge.

(v) The application is accordingly allowed and disposed of.

It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)