

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

**CRIMINAL BAIL APPLICATION NO. 73 OF 2022
WITH
INTERIM APPLICATION NO. 2223 OF 2022**

Kiran Sumant Jedhe	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Ashok Mundargi, Senior Advocate a/w Mr. Kuldeep Patil a/w
Mr. Aadesh Kondedeshmukh, Advocate for the Applicant in Bail
Application.

Mr. N.B. Patil, APP for the Respondent – State.

Mr. V. B. Kadam, Head Constable, Jejuri Police Station.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	12th OCTOBER, 2022.

PER COURT:

1. The applicant is arrested on 10th April, 2021, in connection with C.R. No.91 of 2021, registered with Jejuri Police Station, Dist. Pune. The First information Report (for short 'F.I.R.') was registered for offences under Sections 279, 337, 338, 304-A of Indian Penal Code and Sections 184, 134, 177 of Motor Vehicles Act. Subsequently, Sections 302 r/w 120-B of Indian Penal Code were invoked.

2. The case of the prosecution is that on 1st April, 2021 at about 6:00 a.m., the informant Sanjay Kashid, his son and wife Vaishali went for morning walk. Sunita Morale accompanied Vaishali. They

walked from Buwasaheb Chowk, village Nira on Supa Lonand Road. During the walk one black swift car came from the back side and gave dash to Vaishali and Sunita Morale. Vaishali and Sunita were taken to hospital. They suffered serious injuries. Both of them died. The F.I.R. was registered on 1st April, 2021. The complainant is the husband of deceased Vaishali. Initially it was reported to be accidental case. The F.I.R. was registered against unknown person. Thereafter, supplementary statement of the complainant was recorded on 8th April, 2021. In the said statement it is stated that incident referred in the F.I.R. is not accident but it is the case of murder. On 1st April, 2021 while they were walking, complainant saw one person on the Scooty and Ranjit Jedhe were talking to each other. Ranjit Jedhe was pointing out finger at Sunita Morale. Thereafter, they were dashed by the black swift car. Statement of the son of the complainant was recorded. He reiterated the version of the complainant reflected in supplementary statement. During the course of investigation statement of Ishwari Balnath Morale and Shweta Balnath Morale were recorded on 10th April, 2021. They are daughters of Sunita Morale. It was stated that their mother Sunita Morale had told them that the applicant was helping them financially. The applicant was visiting their house frequently. About 7 to 8 months

ago there was quarrel in the house between the applicant and their mother. During investigation driver of car Sanket Hole was arrested. Thereafter, Ranjit Jedhe and applicant were arrested. It is alleged that the applicant was in relationship with the deceased Sunita Morale and on account of quarrel between them, it was decided to liquidate Sunita Morale with the help of Ranjit Jedhe and Sanket Hole. The intent was to liquidate Sunita Morale during the process car also hit Vaishali.

3. Learned Senior Advocate Mr. Mundargi submitted that there is no evidence to substantiate the prosecution case that the applicant is conspirator in committing crime. He was not found at the place of incident. The statements of the daughters of the deceased Sunita Morale would at the most indicate that the applicant was closely acquainted with Sunita Morale. The motive to kill Sunita Morale is attributed to the applicant on the basis of alleged quarrel between Sunita Morale and the applicant occurred about 7 to 8 months ago. The prosecution is relying upon the C.D.R. and it is alleged that there were calls between the applicant and accused No. 2 Ranjit Jedhe. Accused No.2 Ranjit Jedhe is the cousin of the applicant and calls between them could not be evidence to establish offences. Statement of Sachin Jadhav refers

to the fact that he had sold the car to Sanket Hole. Irfan is the owner of hotel. No adverse inference could be drawn against applicant on their version. The applicant is in custody for substantial period.

4. Learned APP submitted that the investigation revealed that the applicant was in relationship with deceased Sunita Morale an account of dispute between them. She was killed at the instance of Sanket Hole and Ranjit Jedhe. The dash of car resulted in death of two persons. The prosecution is relying upon statement of the daughters of deceased Sunita Morale. There were mobile phone calls between the applicant and accused No.2. Ranjit Jedhe. The cell phone of the deceased also indicate that there were calls between the applicant and the deceased.

5. The case of the prosecution is that the applicant is conspirator in the crime. However, the circumstances relied upon by the prosecution *prima facie* is not strong enough to establish his involvement. The quarrel referred by the daughters of the deceased Sunita Morale had occurred about 7 to 8 months ago. The statements of the daughters of the deceased indicate that the applicant was acquainted with their mother and he was frequently visiting their house. The fact that the quarrel had occurred 7 to 8

months ago, *prima facie* does not indicate strong motive to liquidate the deceased. Undisputedly the applicant was not seen around place of incident. The F.I.R. is silent about presence of Sanket Hole and Ranjit Jedhe near the spot of incident. The supplementary statement of the complainant was recorded on 8th April, 2021. The applicant and accused No.2 Ranjit Jedhe are cousins. Assuming that there are call between them adverse inference against applicant is debatable. The applicant is in custody for substantial period of time.

ORDER

- i. Criminal Bail Application No.73 of 2022 is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No.91 of 2021, registered with Jejuri Police Station, Dist. 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. Applicant shall report concerned police station once in a month on first Saturday of month between 11.00 am to 1.00 pm till further orders.

- v.** Applicant shall not tamper with the evidence.
- vi.** The applicant shall not visit the house of the deceased and shall not try to approach the daughters of the deceased Sunita Morale and any other witnesses.
- vii.** Bail Application stands disposed off.
- viii.** Interim Application No.2223 of 2022 is disposed off.

(PRAKASH D. NAIK, J.)