

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3591 OF 2021

Navnath Kaluram Pansare

..Applicant

V/s.

The State of Maharashtra

..Respondent

Dr. Uday Warunjikar for the Applicant.

Mr. R.M.Pethe, APP for the Respondent/State.

PSI Bamane attached to Chakan Police Station present.

CORAM : C.V. BHADANG, J.

DATE : 10 FEBRUARY 2022
(Through Video Conferencing)

P.C.

1. By this application, the Applicant accused No.1 is seeking release on bail. The Applicant along with 3 others has been chargesheeted for the offence punishable under Section 302, 449, 120-B read with Section 34 of IPC arising out of Crime No. 827 of 2019 of Police Station Chakan, District Pune.

2. The prosecution case is that the Applicant had committed the murder of Ananda Khandebharad, who is the grandfather of his wife for the reason that the deceased was not agreeing to transfer the share of the wife of the Applicant (in the property of

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the deceased) in her name. In short, according to the prosecution, on account of such a property dispute, the Applicant gave a contract for eliminating the deceased Ananda to the co-accused Nilesh alias Haribhau Mandekar, who executed the same with the help of co-accused Ashok Khedkar, Golya Rathod, Munna Musale and one juvenile-in-conflict with law, who has been separately dealt with. It is alleged that on 22.05.2019, the deceased Ananda was done to death by strangulation, when he was alone in the house in his field. The Applicant has been arrested on 23.05.2019 and since then is in jail. The investigation in this case is complete and the chargesheet is filed. The record discloses that co-accused Nilesh and Ashok have been released on bail by this Court, while the co-accused Munna is released on bail by the learned Sessions Judge.

3. I have heard the learned counsel for the parties. It appears that except a strong motive about the alleged claim by the Applicant in the share of the property of the deceased, prima facie there is no other material pointed out to show the complicity of the Applicant in the said offence. It is true that there are some statements of the close relatives stating that Applicant was earlier arrested in connection with the offence under Section 307 of IPC and after the Applicants spent about 6 months in jail, he was released and thereafter the Applicant is alleged to have hatched a conspiracy to eliminate the deceased. Prima facie, there are no

incriminating circumstances such as last seen together or recovery or any other kind which circumstances can indicate the involvement of the Applicant in the death of Ananda. The learned counsel for the Applicant submitted that mere motive cannot show such involvement. He pointed out that the wife of the Applicant had already filed a suit for partition in the year 2019, which is pending.

4. Upon hearing the learned counsel for the parties and perusal of the record, I do not find any justification to detain the Applicant behind bar, given the nature of the allegations and the material collected during the course of the investigation.

5. In the result, the following order is passed:

ORDER

i) The Applicant be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the concerned Police Station once in a month between 11.00 a.m. to 1.00 p.m during the course of trial.

iii) The Applicant shall undertake to remain present before the learned Sessions Judge, during the course of trial.

iv) The Applicant shall not directly or indirectly tamper with the prosecution evidence/witnesses.

v) In the event of breach of any of the conditions, the bail is liable to be cancelled.

vi) Bail bonds to be furnished before the learned Sessions Judge.

vii) 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.

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

(C.V. BHADANG, J.)