

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3565 OF 2021

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Omkar Ananda Ovhal

..Applicant

V/s.

The State of Maharashtra

..Respondent

Dr. Uday Warunjikar i/b Mr. Jyotiram Yadav for the Applicant.

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

API P.R. Lad, Khed Police Station present.

CORAM : C.V. BHADANG, J.

DATE : 9 FEBRUARY 2022
(Through Video Conferencing)

P.C.

1. By this application, the Applicant (accused No.6) is seeking bail in Crime No. 306 of 2020 of Police Station Khed, District Pune under Section 302, 143, 147, 148, 120-B of IPC and Section 4 and 25 of the Arms Act.

2. The Applicant along with others has been chargesheeted for the offence punishable under Section 302, 143, 147, 148, 120-B of IPC and Section 4 and 25 of the Arms Act for having intentionally caused death of Niranjana Gurav and Bajrang Jadhav

on account of previous enmity arising out of the murder of one Aniket Randive.

3. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

4. It is submitted by the learned counsel for the Applicant that one of the co-accused Shivram Kattula has been granted bail by this Court by order dated 26.04.2021 in Criminal Bail Application No. 937 of 2021. The learned counsel has sought parity with Shivram Kattula. It is submitted that even otherwise the Applicant is entitled to be released on bail on merits. He pointed out that there is no recovery of any incriminating articles from the Applicant, nor there is any identification parade conducted. It is submitted that except the statement of co-accused Wajid Mumtaz Khan, who claims that some of the assailants/accused traveled on the scooter of the present Applicant to the spot of incident, there is no other material against the Applicant.

5. The learned APP has in all fairness submitted that there is no circumstance as to last seen together or any recovery from the present Applicant.

6. I have considered the submissions made. Prima facie it appears that the case is based on circumstantial evidence as there is no eye witness account of the incident, available on record. The prosecution does not claim any of the circumstance as to last seen together or recovery of any incriminating articles from the Applicant. Even there is no identification parade conducted. The learned counsel for the Applicant submitted that only material against the Applicant is the statement by the co-accused Wajid Khan recorded on 15.10.2020 who also does not attribute any overt act of an actual assault to the present Applicant. The investigation is complete and the chargesheet is filed. Thus, I find that further detention of the Applicant is not justified.

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

ORDER

i) The Applicant be enlarged on bail in Crime No. 306/2020 registered with Khed Police Station, District Pune, on executing a PR Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

ii) The Applicant shall not directly or indirectly make any attempt to contact or to tamper with the prosecution evidence/witnesses.

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

iv) 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.

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

(C.V. BHADANG, J.)