

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

CRIMINAL BAIL APPLICATION NO.3811 OF 2021

Bajirao Sudam Khursale	...Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr.Aniket U. Nikam a/w Mr.Amit Icham for the Applicant.
Mr.N.B. Patil, APP for the Respondent-State.

NILAM
SANTOSH
KAMBLE

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Date: 2022.03.01
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CORAM : C.V. BHADANG, J.

DATE : 1 MARCH 2022

P.C.

1. By this Application, the Applicant-Accused No.1 is seeking release on bail. The Applicant along with others has been charge-sheeted for the offence punishable under Section 143, 144, 149, 302, 120B of the Indian Penal Code read with Section 4/25 of the Arms Act and section 37(1)(3) of the Maharashtra Police Act, having intentionally caused the death of one Navnath Yeole.

2. I have heard the learned counsel for the parties. Perused record.

3. On 28 September 2017 Navnath Yeole was found dead. Crime in this case is registered on the basis of the complaint lodged by Khandu Ramchandra Yeole.

4. The prosecution case is that the deceased was lending money on interest and out of the disputes regarding recovery of the said amount the accused had conspired and had intentionally caused the death of Navnath Yeole.

5. The present Applicant came to be arrested on 19 October 2019 that is after 2 years of the death of Navnath Yeole. The case is based on circumstantial evidence. Four out of the six accused have been released on bail. It appears that the only circumstance against the Applicant is motive as the Applicant had also borrowed money from the deceased. The prosecution is relying upon the statement of Bharat Yadav and Akash Nimbalkar on the point of motive.

6. I have gone through these statements. All that witness Bharat Yadav states is that the deceased had said to him that he (deceased) had taught a lesson to the Applicant. The learned counsel for the Applicant, in all fairness pointed out that there is a extra judicial confession by co-accused Adinath Khape which mentions the name of the present Applicant.

7. Considering the overall circumstances it appears that only circumstance are motive, if at all it can be said to be one, and a reference to the Applicant in the extra judicial confession of the co-accused.

8. Considering the nature of the evidence against the Applicant, and the fact that some of the co-accused are already released on bail, the following order is passed.

ORDER

- (i) The applicant-Bajirao Sudam Khursale be released on bail, in Crime No.73 of 2017 registered with Talegaon MIDC Police Station, Dist-Pune, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.
- (ii) The applicant shall undertake to remain present before the learned Sessions Judge during the trial, unless exempted.
- (iii) The applicant shall not 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) The bail bonds to be furnished before the learned Sessions Judge.
- (vi) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.