

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

**VAISHALI
ANIL
TIKAM**

CRIMINAL BAIL APPLICATION No. 3878 OF 2021

Pramod Pratap Kharat and Anr. ...Applicants
Vs.
The State of Maharashtra ...Respondent

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Date: 2022.03.22
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Mr. Shailesh D. Chavan a/w. Ajinkya Sangitrao a/w. Akash
patil for Applicants
Mr. S.R. Agarkar, APP for State.
PSI D.B. Ligade- Indapur Police Station (Pune Rural) is
present.

CORAM : C.V. BHADANG, J.

DATE : 17 MARCH 2022

P.C.

1. By this Application, the Applicants (Accused Nos. 5 and 6) are seeking bail. The Applicants along with co-accused have been chargesheeted for the offence punishable under Section 302, 201 and 120-B r/w. 34 of IPC and Section 4/25 of the Arms Act, arising out of Crime No. 31/2021 of Police Station Indapur, District Pune (Rural).

2. The aforesaid crime is registered on the basis of the complaint lodged by Sau. Manjusha Mahadev Gorge, who is mother of the deceased Sanjay Gorge. According to the prosecution, the

deceased was having a love affair with a girl Kajal Sonawane, who is related to the co-accused. Feeling annoyed, Accused Nos.3 to 6 and a Juvenile, in conflict with law, had committed murder of Sanjay Gurav. The incident happened on 1 January 2021, after the deceased along with Accused Nos.3 and 4 had gone for a dinner to the house of Accused No.1 Dada Kamble, where the present Applicants subsequently joined the deceased and Accused Nos. 3 and 4. According to the prosecution, after dinner, Accused Nos. 3 to 6 and Accused No.2 (being a juvenile) left along with the deceased and are alleged to have caused the death of Sanjay Gorge, by assaulting him by a sickle (Koyta) in which both his hands and legs and the head was severed. Further according to the prosecution, the Accused Nos. 3 to 6 and the Juvenile disposed of the torso and the body parts in the Bhima River bed in order to destroy evidence.

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

4. This is a case, which is based on circumstantial evidence. The only circumstance which is pointed out by the prosecution at this

stage is the circumstance about the deceased being last seen together in the company of the Applicants and the co-accused (except Accused No.1).

5. The learned APP in this regard has referred to the statement of the witness of Kalyan Zarke. Except this, there is no other circumstance which is pointed out against the Applicants.

6. The learned counsel for the Applicants pointed out that the girl, with whom the deceased was having illicit relations, was not related with the Applicants. There is no recovery of any incriminating articles from the present Applicants. The investigation is complete and the chargesheet is filed. The Applicants were arrested on 15 June 2021.

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

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicants Pramod Pratap Kharat and Ajay @ Pradeep Prakash Kharat, be released on bail in Crime No. 31/2021 of Police Station Indapur, District Pune (Rural) on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount.
- (iii) The Applicant shall undertake to remain present before the learned Sessions Judge during the course of trial, unless exempted.
- (iv) The Applicant shall not directly or indirectly make any attempt to tamper with the prosecution evidence or witness.
- (v) The trial is expedited.
- (vi) It is made clear that the observations made herein are *prima facie* in nature, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(vii) The Criminal Application is disposed of, in the aforesaid terms.

(C.V. BHADANG, J.)