

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3689 OF 2021

Vijay @ Dada Shankar Kamble ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr. Bhalchandra Shinde a/w. Mr. Prashant Raul, for the Applicant.
Mr. A. R. Kapadnis, APP for the Respondent / State.

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CORAM : C.V. BHADANG, J.
DATE : 3 MARCH 2022

P.C.

. By this Application, the Applicant (Accused No.1) is seeking bail. The Applicant alongwith co-accused has 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 Gorve, who is mother of the deceased. According to the prosecution, on 17 January 2021, a dinner was arranged at the house of the present Applicant where

Accused No.2 to 6 (No.2 being a Juvenile) had gone alongwith the deceased Sanjay Mahadev Gorve. After dinner, Accused Nos.3 to 6 left alongwith the deceased and are alleged to have caused the death of Sanjay Gorve, by assaulting him by a sharp weapon in which both his hands, 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. It is not disputed that except that there was a dinner arranged at the house of the present Applicant where Accused Nos.3 to 6 and the Juvenile alongwith the deceased were present. There is no other circumstance pointed out to show the involvement of the Applicant in the said offence.

5. Learned APP submitted that the dinner was arranged as a part of the larger conspiracy so that the Accused and the Juvenile can assemble alongwith the deceased, after which the deceased was done to death. However, the learned counsel for the Applicant has pointed out a statement of Sajabai Bhosale who states that on account of *Jatra of Mhasoba Devasthan*, a dinner was arranged at the house of the Applicant Vijay @ Dada Kamble. He therefore

submitted that the material collected is not sufficient to show the complicity of the Applicant in the alleged offence.

6. I have considered the circumstances and the submissions made.

7. This is a case based on circumstantial evidence. Apparently, except that there was a dinner arranged by the present Applicant where the deceased alongwith co-accused and the Juvenile were present and thereafter they had left alongwith the deceased, there are no other circumstances pointed out by the prosecution to show the complicity of the Applicant in the offence.

8. In the result, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Vijay @ Dada Shankar Kamble, be released on bail in Crime No.Crime No.31/2021 of Police Station Indapur, District Pune, be released on bail, on executing a P.R. Bond in the sum of Rs.25,000/- 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 witnesses.

(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.