

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

BAIL APPLICATION NO.2924 OF 2022

Khemraj Rana Kami ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Shailesh Kharat for the Applicant.
Mr. M.G. Patil , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 15th NOVEMBER, 2022.

P.C. :

Heard learned counsel for the applicant and the
learned Assistant Public Prosecutor for the State.

2 Applicant seeks bail in connection with the Crime
No.351 of 2018 registered with Nigadi Police Station for the
offences punishable under Sections 302 and 201 of the Indian
Penal Code, 1860.

3 Prosecution case is, that Vijay Solanke, (Deceased) learnt about the extra-marital affair of the accused no.3 with the accused no.1. As such, accused nos.1 and 3 conspired to eliminate, Vijay Solankhe. On 9th August, 2018, Vijay Solankhe was lured on the quarry site by the accused no.3. Whereafter, he was allegedly strangled by accused nos.1 and 3. With the help of the applicant (Accused No.2), accused nos.1 and 3 attempted to cause disappearance of the dead-body of the Vijay Solankhe by throwing it in a pit, which was full of water. Applicant was arrested on 12th August, 2018, suspecting his involvement, only on the ground that the applicant, accused no.1 and the deceased were labours working on one, quarry site. Investigation in the case is over and final report has been filed. Prosecution case is founded on circumstantial evidence. That except disclosure statement of the co-accused, there is no evidence and/or incriminating material found and/or surfaced against the applicant to connect him to the crime in question.

4 The learned Assistant Public Prosecutor does not dispute this fact.

5. Applicant has been incarcerated for about four years and two months.

6 In consideration of the above facts, case is made out for releasing the applicant on bail on conditions for securing his presence in the trial. Thus, following order;

ORDER

(i) The applicant in Crime No. 531 of 2018 registered with Nigadi Police Station, Pune shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.

(ii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer within seven days from the date of his release on bail.

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case

(iv) The applicant shall report to the Investigating Officer once in a month, i.e., 2nd Monday of every month from 11 a.m. to 1 noon till the charge is framed.

7 The application is accordingly allowed and disposed of.

8 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)