

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

CRIMINAL BAIL APPLICATION NO.4506 OF 2021

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Dharmendra Jambuvant Tadsare

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Satyavrat Joshi, i/by Nitesh J. Mohite, for the Applicant.

Ms. Sharmila S. Kaushik, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE, J.

DATE : 16th SEPTEMBER, 2022

P.C.

1. Applicant is seeking pre-arrest bail in Crime No.85 of 2020 registered with Bharti Vidyapeeth Police Station, District Pune, for the offence punishable under Sections 302, 201, 34 of IPC.

2. The case of the prosecution is, Rajaram Kolte, Police Naik lodged a complaint alleging that on 5th January, 2022 a dead body of an unknown lady was discovered on Mumbai-Bangalore highway.

3. During investigation it revealed that the deceased was having love affair with one Deepak, a co-accused and there were disputes between them on account of money.

4. It is claimed that Deepak murdered the deceased to get rid of her constant demand of money.

5. The role attributed to the applicant is, he used his motor cycle for destroying evidence i.e. disposal of the dead body.

6. I have appreciated the role attributed to the applicant in the offence in question.

7. Charge-sheet in the matter is already submitted in Court. The fact remains that it is not case of the prosecution that at the time of commission of offence applicant was present on the spot of the incident and actively participated in the crime. The specific role attributed to the applicant is, after the offence of murder was committed dead body was carried in gunny bag on the two wheeler of the applicant. As such, it cannot be inferred that there is sufficient evidence to infer that the applicant is involved in offence punishable under Section 302 of IPC. That being so, case for bail is made out.

8. Applicant is directed to be released on bail on furnishing P.R. bond of Rs.15,000/- with one or more sureties in the like amount.

9. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

10. Application as such stands disposed of.

[NITIN W. SAMBRE, J.]