

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.937 OF 2023

DINESH @ PAPPU SANTARAM SALUNKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sopan G. Bobde, Mr. D. A. Paikrao
APP for Respondent : Ms. V. N. Patil Jadhav
...

CORAM : S. G. MEHARE, J.

DATE : 19-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is seeking bail in C.R.No.251 of 2022 registered with Kannad (Rural) Police Station, Taluka Kannad, District Aurangabad, for the offences punishable under Sections 302, 201, 397, 120B read with Section 34 of the Indian Penal Code.
3. The applicant has been arraigned as an accused on the material that golden ring and motorcycle were recovered from him and allegedly supplied a shirt purchased from the shop of one witness Prateek to the main accused. It has also been alleged against him that he was all the while along with accused No.1 and was captured in the CCTV footage of one Patsanstha, where the accused No.1 had mortgaged golden ornaments to raise the loan.

4. It is a case under Section 395 of the Indian Penal Code. The deceased was gone missing few days before the incident and one day his dead body was found. Then the investigation was started. In such a case, recovery of article stolen is the best possible evidence to show the involvement of the so-called accused and it may be a strong circumstance against such accused.

5. So far as the golden ring is concerned, it is a common article used by many persons. However, the prosecution has no evidence that the complainant identified the said golden ring that it was of the deceased. The statement of the shop-keeper was recorded after his arrest. The said witness identified him when the police showed him in the police lockup. Before that the prosecution had no material to link the accused with an allegation that he supplied the shirt by purchasing from the shop to accused No.1. As far as the CDR is concerned, it may be a general talk. There are no antecedents to the discredit of the applicant. Considering the facts and circumstances of the case, the Court is of the view that it would be inappropriate to keep the applicant behind bar. Hence, the order :-

- i) Bail application is allowed.
- ii) Applicant Dinesh @ Pappu Santaram Salunke be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent

surety of the like amount, in C.R.No.251 of 2022 registered with Kannad (Rural) Police Station, Taluka Kannad, District Aurangabad, for the offences punishable under Sections 302, 201, 397, 120B read with Section 34 of the Indian Penal Code, on the conditions that,

- a) He shall not tamper with the prosecution witnesses.
- b) He shall attend the trial on each and every effective date.

(S. G. MEHARE)
JUDGE

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