

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

5 BAIL APPLICATION NO.1309 OF 2023

VISHNU SHANKAR LANDGE @ SOMWANSHI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. A.D Ostwal
APP for Respondents: Mr. K.S. Patil

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: August 28, 2023

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PER COURT :-

1. The applicant seeks regular bail under section 439 of the Code of Criminal procedure in crime no.233 of 2022 dated 2.11.2022 registered with police station Killari, Tq. Ausa, Dist Latur. The investigation was set in motion on information of one Bhagwat Balsure, who is the brother of deceased Kumar Balsure. In nutshell, it is alleged that wife of Kumar Balsure, i.e. accused no.1 had illicit relationship with the applicant/accused no.2 Vishnu. On 1.11.2022, the informant found the accused nos.3 and 4 standing in front of the house of Kumar. The informant inquired with them. They replied that they come from village Lamjana. They have disclosed their identity as Vijay Gavali and Yogesh Kamble. Thereafter, those persons and brother of the informant proceeded on motorcycle.

aaa/-

On 2.11.2022 at about 8.30 p.m. the information received that dead body of Kumar Balsure found in the field of one Satish Chavan. It is further alleged that because of the illicit relationship of the accused no.1 with accused no.2, Kumar is murdered with the help of accused nos.3 and 4.

2. The applicant/accused no.2 has been arrested in pursuance of the aforesaid -crime. Other accused were also arrested. On completion of the investigation, charge-sheet has been filed.

3. Mr. Ostawal, learned advocate appearing for the applicant would submit that the case of the prosecution is based on circumstantial evidence. The FIR is lodged on the basis of the suspicion. Perusal of charge-sheet would show no evidence to support alleged motive or involvement of the applicant in commission of alleged offence is available. He would further submit that investigation in the matter is completed. Charge-sheet is filed. Even co-accused has been released on bail. The applicant would abide by the conditions, if any, imposed by the court for his release.

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4. Learned APP opposes the application on the ground that the offence is serious. There are confessional statements of the accused nos.3 and 4 so also the applicant by which they have admitted the commission of offence. The accused nos.3 and 4 are contract killers. The amount was paid by the accused no.1 Kamal. The applicant is a master mind. The accused persons formed criminal conspiracy and committed murder of the deceased.

5. Having considered the submissions advanced, apparently, it is a case of homicidal death. The dead body of the deceased was found in a field. During the investigation, statement of accused Kamal so also present applicant have been recorded, who have candidly admitted about their illicit relationship and this conspiracy hatched by them. The CDR record depicts the continuous communication between accused nos.1 and 2 at the relevant time. The deceased was seen in the company of the accused nos.3 and 4 before his death. The postmortem report shows death due to "Asphyxia due to throttling". Prima facie, there is sufficient evidence to link the applicant with the murder of the deceased. He had strong motive for the murder. The evidentiary value of confessional
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statements and its effect can be tested during the Trial. However, on prima facie consideration of the material placed on record, no case is made out to grant discretionary relief of bail to the applicant. Resultantly, the applicant is rejected.

(S. G. CHAPALGAONKAR, J.)

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