

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

944 BAIL APPLICATION NO.1948 OF 2023

SACHIN ANKUSH KATKAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Ms. S. V. Salunke
APP for Respondent : Mr. R. D. Sanap

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: November 10, 2023

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.285 of 2023 registered with Naldurg police station, Tq. Tuljapur, District Osmanabad for the offences punishable under sections 302, 120(B), r/w 34 of the Indian Penal Code.

2. Investigation has been set in motion on the basis of the complaint given by one Santosh Katkar. He alleges that he holds agricultural land in village gat no.273. There was some dispute with Pravin Katkar as regards to the land gat no.265. It is further alleged that Shankar Maroti Katkar from whom the informant has purchased the land was pursuing him to repatriate half acre of land in his favour. He was also threatening to kill him. It is further alleged that on 29.6.2023 at about 7 am, accused Nagnath informed on mobile of his wife that his brother Amol is found dead in the field of Shankar Katkar. Informant immediately rushed to that place and found that Amol had suffered injuries on his person. As such,

informant suspected that accused persons might have killed him. Accordingly, crime no.285 of 2023 came to be registered with police station against in all three accused persons including the applicant.

3. Learned advocate appearing for the applicant would submit that although the applicant is named as an accused, there is no acceptable evidence against him to bring home his complicity in commission of murder. She would submit that applicant has been arrested on 30.6.2023. Since then, he is behind bar. Investigation in the crime is completed. Charge-sheet is filed. There are no criminal antecedents as against the applicant. Therefore, she urges to release the applicant on bail.

4. Mr. Sanap, learned A.P.P. strongly opposes the prayer for grant of bail. He would submit that there was previous dispute between family of deceased and family of applicant as regards to agricultural land. He would point out that during course of investigation, it was noted that there was exchanging of calls between accused persons in the midnight when victim was found dead. He would further submit that evidence in the charge-sheet is sufficient to create strong suspicion as regards to the involvement of the applicant in commission of the offence. He would submit that the applicant conspired to go with accused and given effect to the murder.

5. Having considered the submissions advanced and on perusal of the charge-sheet, apparently, prosecution's case is

based on circumstantial evidence. There is no direct evidence to bring home guilt against any of the accused. Apparently, as per FIR, there was a previous dispute in respect of agricultural land and same is attributed as motive for commission of murder. Although, from the documents available on record, it can be gathered that there was dispute between family of the deceased and accused nos.1 and 2 and no such dispute is brought on record between the applicant and family of the deceased. Second circumstance which is relied upon by the prosecution is interse calls between accused no.2 and applicant during fateful midnight. Even assuming that there was such conversation; that itself cannot be sole basis by which involvement of the applicant in actual commission of the murder can be inferred in absence of any corroborative piece of evidence. Although, postmortem report shows that deceased had suffered as many as 24 injuries and possibility of involvement of more than one person in commission of offence can be inferred, unless there is specific evidence pinpointing applicant's involvement, prima facie, it would be difficult to draw any inference of guilt of the applicant.

6. The learned APP confirms that there are no criminal antecedents to discredit applicant. In that view of the matter and considering nature of evidence relied against the applicant, case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby allowed.

- ii. The applicant - Sachin Ankush Katkar be released on bail in connection with Crime No.285 of 2023 registered with Naldurg police station, Tq. Tuljapur, District Osmanabad for the offences punishable under sections 302, 120(B), r/w 34 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-
- a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall not indulge in similar offence.
 - c] The applicant shall not enter village Lohgaon, Tq. Tuljapur, District Osmanabad for a period of six months from the date of his release.
 - d] The observations made herein above are on the basis of prima facie consideration of the material in the charge-sheet and restricted for the purpose of this application only.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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