



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

BAIL APPLICATION NO. 399 OF 2023

1. YUVRAJ VISHNU SATPUTE
2. TUSHAR PANDURANG METKARI ..APPLICANTS
VS.

STATE OF MAHARASHTRA ..RESPONDENT

Ms. Vilasini Balasubramanian i/b Mr. Jaydeep Mane, for the applicants.

Ms. Veera Shinde, APP for the State.

ASI-S.S.Shendge, Pandharpur Rural present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 04, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 302, 201 read with 34 of the Indian Penal Code, 1860 registered on 22/08/2022 vide C.R. No.357 of 2022 with Pandharpur Rural Police Station, Solapur Rural.

3. The applicants were arrested on 22/08/2022. It is the prosecution case that the accused have committed murder of one

Lakhan. The FIR is lodged by the brother of Lakhan. There was some disputes between Lakhan and the accused no.1. The family members of Lakhan had counselled Lakhan that he should not precipitate the dispute with the accused no.1.

4. The prosecution case is that the applicants took Lakhan on their mother-cycle to one agricultural field. Applicant no.1 asked the applicant no. 2 to go and get some cigarettes. Applicant no. 1 then hit Lakhan on his neck and killed him. Thereafter the body was thrown in a well. Stones were tied to the body with a nylon rope. In the statement of a mobile-shop owner it is recorded that on the date of the incident, the accused no.1 had purchased an old mobile handset. On the date next post the incident, the sim card of the deceased was inserted in the said mobile by the accused no.1 and text messages were sent to the brother of the deceased that he will be away for some days. This to mislead the family of the deceased into believing that the deceased is alive. The brother of the deceased tried to call on the said sim card which belonged to the deceased, but there was no response.

5. There is CCTV footage on record which shows that on the date of the incident, the accused and the deceased were on a motorcycle.

There is also CCTV footage on record indicating the nylon rope being purchased by the applicants from one shop.

6. In the facts and circumstances of the case, though the prosecution case rests on the circumstantial evidence, I am not inclined to enlarge the applicant no.1 on bail considering the materials on record. However, so far as the role of applicant no.2 is concerned, which is mainly causing disappearance of evidence, I am inclined to enlarge the applicant no.2 i.e. - Tushar Pandurang Metkari on bail considering that the applicant no. 2 is incarcerated for more than 1 year. There are no criminal antecedents reported against the applicant no.2. The investigation is complete. The charge-sheet has been filed. However, considering that the witnesses of the incident are staying in the same area, some conditions need to be imposed on the applicant no.2 while enlarging him on bail. Hence, the following order :-

ORDER

(a) The application for bail in respect of applicant no.1 -Yuvraj Vishnu Satpute is rejected.

(b) The applicant No. 2- Tushar Pandurang Metkari in connection with C.R. No. 357 of 2022 registered with

Pandharpur Rural Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant no.2 shall attend the investigating officer of Pandharpur Rural Police Station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant no. 2 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant no.2 shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant no.2 shall not enter the Pandharpur Taluka after being released on bail, till the trial concludes.

7. The application is disposed of.

(M. S. KARNIK, J.)