

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3461 OF 2022

Parmeshwar Laxman Dethe ... Applicant

V/s.

State of Maharashtra ... Respondent

WITH

INTERIM APPLICATION NO. 3197 OF 2023

IN

CRIMINAL BAIL APPLICATION NO. 3461 OF 2022

Pratapsinha Sarjerao Patil .. Intervenor

In the matter between :

Parmeshwar Laxman Dethe ... Applicant

V/s.

State of Maharashtra ... Respondent

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Mr. Manoj Mohite, Senior Advocate i/b. Mr. Vivek Rane, Advocate for Applicant.

Mr. Y. Y. Dabke, APP for Respondent-State.

Mr. Vikrant V. Phatate, Advocate for intervenor in IA/3197/2023.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 12 OCTOBER, 2023

P C:-

1. By this application, Applicant is seeking bail in C.R.No. 465 of 2022 registered with Pandharpur Taluka Police Station for the

offences punishable under Section 302, 120(b) read with 34 of Indian Penal Code, 1860 (for short “IPC”).

2. It is the prosecution’s case that on 12.07.2022 between 8:45 to 9.30 hours informant’s son Ravikant Patil was proceeding towards Mohol for his company work on motorcycle bearing No. MH-13-CH 9692. When his son reached within the vicinity of village Degaon at Nayara Petrol Pump, co-accused viz. Ranjit Dethe, Prashant Dedhe, Nithin Dethe and Vijay Kolekar followed him by Innova Car and gave forceful dash from behind causing injuries which also killed him.

3. Learned Senior Counsel submits that it is alleged that Applicant was part of conspiracy to kill informant’s son Ravikant. He further submitted that Applicant has been falsely implicated in this case. As per prosecution’s case Applicant was not present in the Innova car which allegedly dashed with the motorcycle of deceased. Thus, there is no legally admissible evidence on record to connect the Applicant in the crime in question.

4. Learned Senior Counsel further submitted that there is nothing incriminating material produced on record to show that Applicant was part of conspiracy with co-accused to kill the informant’s son. Hence, requested to allow the Application.

5. It is the contention of learned APP that there was rivalry between the deceased and Applicant's family, due to that rivalry co-accused killed the deceased. Applicant was part of that conspiracy to kill the deceased. There are statements of witnesses Dhananjay and Vijay who have stated that they had heard the word of Applicant that "they have to do something about the deceased". There is *prima facie* case against the Applicant. Hence, requested to reject the application.

6. I have heard both the learned Counsel. Perused the FIR and charge-sheet. The allegations against the Applicant are that Applicant hatched the conspiracy with co-accused to kill the deceased. Witnesses Dhananjay and Vijay in their statements have stated that they were working in the hotel of Applicant. On 09.07.2022 deceased had stared at Applicant at that time Applicant was saying that it is necessary to do something in consultation with Ranjit. From the statements of these witnesses it appears that they had heard the word of Applicant on 09.07.2022 and the alleged incident of killing is happened on 12.07.2022 i.e. three days later. Whether it was part of conspiracy or not is a part of trial. Except the statement of these two witnesses nothing discriminating material is produced on record against the Applicant. Investigation is completed and charge-sheet has been filed. Applicant is behind bar more than

one year. Considering the above facts, further detention of the Applicant is not required.

7. In view of the above, I pass following order:

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 465 of 2022 registered with Pandharpur Taluka Police Station, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The Application is allowed in the aforesaid terms and is accordingly disposed off.
9. In view of the disposal of the Application, Interim Application No. 3197 of 2023 is also disposed off.
10. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
11. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)