

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3927 of 2022

Suraj Sarjerao Waghmare

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Ms. Manisha Devkar along with Mr. Shankar Katkar and Ms. Siddhi Patil,
Advocates for the Applicant.

Mr. Amit A. Palkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 11th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.404 of 2022 registered with Malshiras Police Station, Solapur Rural, for offences punishable under Sections 302 read with 34 of Indian Penal Code, 1860.

2. It is prosecution's case that the first informant lodged report with police stating that his brother – Vikas was murdered by unknown persons when he was working in the field. In investigation, police arrested the applicant in connection with the said crime. It is alleged that deceased had a love-affair with the wife of accused No.1. On that count, accused No.1 and applicant assaulted deceased with sharp weapons and killed him.

3. It is the contention of learned counsel for applicant that as per the prosecution's case, deceased had love-affair with the wife of accused No.1. However, no incriminating material was produced on record to show the involvement of the applicant in the said crime. The only role attributed to the applicant is that he was last seen by the wife of deceased with accused No.1. Applicant is behind bar for more than one year. Investigation is completed, charge-sheet has been filed. Nothing has been recovered at the instance of the applicant. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant and accused No.1 committed the murder of deceased when he was working in his field. Applicant was last seen with accused No.1 when they were going on motorcycle towards field of deceased. It shows prima facie case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

In the statement of wife of deceased, she has stated that on the day of incident, she had seen applicant going with accused No.1 on motorcycle towards the field of deceased. Except this statement, nothing incriminating is produced on record against the applicant. It is alleged that deceased had love affair with the wife of accused No.1. Applicant is

behind bar for more than one year. Investigation is completed and charge-sheet has been filed. Prosecution case is based on circumstantial evidence. To prove the role of the applicant in commission of crime, evidence is required, it may take time to conclude the trial

7. Considering the above facts, applicant's further detention is not required, hence I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.404 of 2022 registered with Malshiras Police Station, Solapur Rural, 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. 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.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)