

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

CRIMINAL BAIL APPLICATION NO. 842 OF 2022

Devanand Sanjay Gore ...Applicant
Versus
State Of Maharashtra ...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 2147 OF 2022**

Kamlesh Madhukar Yadav ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Kedar J. Patil a/w Mr. Sachin Mane, Ms. Sakshi Kadam, Pratik Tare Advocate for Applicant in BA/842/2022.

Mr. Karansingh Rajput Advocate for the Applicant in BA/2147/2022.

Ms. Anamika Malhotra, APP for Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 10th OCTOBER, 2023

P.C.:

1. By these applications, the applicants are seeking bail in Crime No.206 of 2021 registered with Koregaon Police Station, Satara for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code, 1860. Both the applicants are seeking bail out of same crime numbers. Hence, I am deciding these two applications together.

2. It is prosecution's case that on 4th August 2021 at about 10:30

a.m. the deceased (Mangesh Jadhav) left his house and did not return to home at his usual time. Thus, the first informant i.e. mother of the deceased tried to contact him on mobile but the same was switched off. Thereafter, first informant came to know about the murder of the deceased. In investigation, police have arrested the applicants in connection of this crime.

3. It is the contention of learned Counsel for the applicant that prosecution case is wholly based on the circumstantial evidence. At the instance of the applicant, knife, motorcycle, clothes and still pipe have been recovered. Except this nothing is produced on record against the applicant's to connect them with the crime. Statement of witnesses have been recorded to show the involvement of the applicants in the crime but those statements are not sufficient to connect the applicant's with the crime. The applicants are behind the bar for more than two years. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the applications.

4. It is the contention of learned APP that accused Devanad Gore had lend Rs.31,000/- to the deceased and he had refused to give that amount. On that basis both the applicants hatched conspiracy and murdered the deceased. There is prima facie case against the applicants. Hence, requested to reject the application.

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

6. Admittedly, the prosecution case is based on circumstantial evidence. It is alleged that at the instance of the applicants, the weapon's used in the crime have been recovered. There is extra Judicial Confession made by both the accused before the witnesses but it cannot be considered at this stage, moreover it is weak piece of evidence. The prosecution case is based on circumstantial evidence. It needs to be proved by evidence. The applicants are behind the bar more than two years. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial.

7. Considering the above facts, further detention of the applicants is not required. In view of the above, I pass the following order.

ORDER

(i) Applicants be enlarged on bail in Crime No.206 of 2021 registered with Koregaon Police Station, Satara, on executing PR bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount;

(ii) Applicants 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) Applicants 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) Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(v) The applications are allowed in the aforesaid terms and are accordingly disposed off.

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

[SHIVKUMAR DIGE, J.]