

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1380 OF 2021**

Nagnath Chandrasha GuravApplicant

Versus

The State of Maharashtra ...Respondent

Mr. Sachin H. Deokar, Advocate for the Applicant.

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

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th SEPTEMBER, 2023.

P.C. :

1. By this Application, the Applicant is seeking bail in Crime No.138 of 2018 registered with Rajgad Police Station, Pune, for the offences punishable under Sections 302, and 201 read with section 34 of Indian Penal Code ("IPC", for short).

2. It is prosecution's case that on 5th June, 2018 police patil Bhushan Dhawade found unknown dead body in agriculture field of Subhash Mahanagare within the limits of village Sarola. The dead body had many injuries, therefore, on report to police offence under

section 302 of Indian Penal Code was registered against the unknown person. In the investigation it revealed that, the dead body was of one Arundas Suryawanshi and he was working in a garage of one Vitthal Gurav. The Applicant and co-accused Pradip Fulari were having a garage at Kasarwadi. They wanted the deceased to work with them. However, the deceased did not join them. It is further alleged that, the Applicant had taken Rs.10,000/- from the deceased. He did not want to repay the amount. Therefore, Applicant along with co-accused took the deceased to an agriculture field of Subhash in village Sarola and murdered him with sharp weapons.

3. It is contention of learned counsel for Applicant that, there is no recovery at the instance of Applicant. The co-accused Pradip Fulari has been released on bail by this Court (Coram: Sarang V. Kotwal) by order dated 12th July, 2019. and co-accused Renukachariya is released bail by trial court. The role attributed to co-accused and Applicant is same. Hence, Applicant is entitled for bail on parity.

4. It is contention of learned APP that, the Applicant had taken Rs.10,000/- from the deceased and he did not want to repay the same. Hence, with the help of co-accused he committed murder

of the deceased. The document produced on record shows involvement of the Applicant in the crime. Blood stained clothes of the Applicant were seized at his instance. If Applicant is released on bail he may threaten prosecution witness. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. The prosecution's case is based on circumstantial evidence. It is alleged that, the Applicant had taken loan of Rs.10,000/- from the deceased. There is no statement of any witness in that regard. Moreover, the co-accused have been released on bail. The recovery at the instance of co-accused Pradeep and the Applicant are same. In view of above, Applicant is entitled for parity.

7. Hence, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No. 138 of 2018 registered with Rajgad Police Station, Pune on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Rajgad Police Station, Pune once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)