



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

BAIL APPLICATION NO.1157 OF 2023

SANTOSH @ APPA POPAT PINJAN	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Shailesh Kharat for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 29, 2023.

P.C. :

1. Heard learned counsel for the applicant 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 (hereafter 'IPC' for short) registered vide C.R. No.37/2022 with Talegaon Dabhade Police Station, Pune.
3. Learned APP for the State opposed the application. It is the submission of learned APP that blood stained clothes of the deceased were recovered at the instance of the applicant. The clothes were found from the open space near

the place where the body of deceased was found. According to learned APP, it is the applicant who is the main conspirator.

4. The incident in brief is that the applicant is the accused no.1. In all there are seven accused. It is the allegation that the deceased was having one sided love affair with accused no.7. Therefore, the accused no.7 and other persons committed the murder of the deceased. All the accused have been released on bail. Even the accused no.5 from whom there is a recovery of 'tommy' which is allegedly used for assaulting the deceased has been released by this Court by an order dated 28/2/2023 in Criminal Bail Application No.196/2023. The order reads thus:-

"This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 37 of 2022 registered at Talegaon Dabhade Police Station, Pune for the offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, on the date of incident, which took place on 19 January 2022, the present

applicant and other co-accused assaulted the deceased by stick, etc. and committed his murder as according to the prosecution, the deceased used to stalk and harass the co-accused Rohini Awale.

5. The case is based on circumstantial evidence. There are in all seven accused. Almost all are released on bail. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed:

(i) Application is allowed.

(ii) The applicant shall be released on bail in Crime No. 37 of 2022 registered at Talegaon Dabhade Police Station, Pune for the offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.”

5. The prosecution case is based on circumstantial evidence. The applicant is in custody since 25/1/2022 for a period of 18 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In my opinion, the applicant does not appear to be a flight risk. As the applicant is residing at Jharkhand, the applicant can be released on bail by imposing some stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Santosh @ Appa Popat Pinjan in connection with C.R. No. 37/2022 with Talegaon Dabhade Police Station, Pune, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Talegaon Dabhade police station, Pune, once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant 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 shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (f) The applicant shall attend the trial regularly.
- (g) The applicant shall not leave Pune District without leave of the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)