

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

BAIL APPLICATION NO. 1514 OF 2022

Vinod Bhimrao Wavale

Age : 26 years, Occup- Labour,

R/at : Sundarnagari, Shirwal,

Tal. Khandala, District Satara

...Applicant

vs.

The State of Maharashtra

(Through Shirwal Police Station,

District – Satara)

...Respondent

Mr. Shailesh Chavan a/w Mr. Amarsinh Katkar - Advocate for the Applicant

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

Priyanka Bhoite – Police Constable, Shirwal Police Station.

CORAM : S. M. MODAK, J.

DATE : 03rd FEBRUARY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. Pending inquiry and trial for the offence punishable under Section 302 of the Indian Penal Code, the Applicant is praying for bail.

3. There is F.I.R. on 20/08/2021 at Shirwal Police Station bearing C.R. No. 170 of 2021 lodged by one Sanjay Ganpat Jadhav.

It is in respect of murder of his brother Ranjit. As dead body was found in the public toilet of the Shirwal bus stand. It was told to him by one Gamesh Sudam Kamble, who is brother-in-law of the deceased Ranjit. On suspicion, the Applicant came to be arrested.

4. During investigation, the Police have recorded the statements of Ramesh Baburao Jagtap, Yuvraj Baban Kuchekar, Raju Tanaji Pawar and Tajuddin Babulal Kazi. All of them have seen deceased Ranjit alongwith the present Applicant on 19/08/2021 at about 10.30 p.m.. The Applicant, deceased Ranjit and Ramesh Jagtap were chit chatting in the open ground in front of public toilet. The Applicant was talking with one lady on the mobile her name is Meera Padmukhi. Even her statement is recorded. The deceased and the Applicant both were drunk. The mobile handset of the Applicant was misplaced and he was searching that. In the meantime, the witness Ramesh Jagtap left that place and the Applicant and deceased have scuffled with each other. On the next date, it was realized that dead body of Ranjit was found there.

5. During investigation, the Police have seized the clothes of the Applicant and they were having blood stains. The report of Chemical Analyser is awaited. Spot panchnama also suggests that

blood stains found at the spot.

6. On above materials, the bail has been refused by the Sessions Court and learned APP relied upon those materials. In addition to that, the Police have recorded the statement of the witnesses under Section 164 of the Criminal Procedure Code.

7. Post mortem report suggests that 'cardio respiratory arrest due to asphyxia which is due to strangulation'.

8. It is true that there is no witnesses who actually seen the Applicant pressing the neck of the deceased. There is no allegation that any weapon was used and it is recovered. The investigation is completed. Already statements are recorded under Section 164 of the Criminal Procedure Code. No purpose will be served by detaining the Applicant behind bar till completion of trial. His presence can be secured by imposing certain conditions. Hence Order:-

ORDER

- (i) The Applicant-Vinod Bhimrao Wavale be released on bail on furnishing PR bond and local surety from Satara District in the sum of Rs. 25,000/-, in connection with C.R. No. 170 of 2021, registered at Shirwal Police Station for the offence punishable under Section 302 of the Indian Penal Code.

- (ii) The Applicant shall not threaten the prosecution witnesses.
- (iii) The Applicant shall regularly attend the proceedings before the trial Court.
- (iv) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail.

9. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

10. Application is disposed of in the aforesaid terms.

11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]