

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

BAIL APPLICATION NO. 1737 OF 2022

Sachin Hanmant Lavate

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Niranjana Mundargi a/w. Keral Mehta, Vishal Waghela and Mr. Vijay Bengude for the Applicant.

Mr. S.V.Gavand, APP for the State.

Mr. S.R.Jadhav from Sangola Police Stn.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 16th MARCH, 2023.

P.C.

1. This is an application for bail filed under Section 439 Cr.P.C. by the aforesaid applicant, who is facing trial in Sessions Case No. 14 of 2022 pending on the file of the learned Sessions Judge at Pandharpur, District Solapur, arising from Crime No. 1368 of 2021 registered with Sangola Police Station, for offences under Section 302, 201 r/w. 120 (b) of the Indian Penal Code.

2. Heard learned Counsel for the applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

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3. The aforesaid crime was registered pursuant to the first information report lodged by Ankush Mane, son of deceased Tukaram Mane. The FIR prima facie reveals that the Applicant was having illicit relationship with the mother of the Complainant due to which there used to be constant fights between his parents i.e. the deceased and the mother of the first informant. In his supplementary statement the first informant has further stated that without the knowledge of his father, his mother had transferred huge amount into the account of the present Applicant, as well as in to the account of co-accused. He suspects that the Applicant and others who had received money from his mother had decided to eliminate his father i.e. deceased Tukaram, as to appropriate the said amount.

4. It is stated that a wooden stick has been recovered at the instance of the Applicant. Prosecution has till date not obtained the C.A. report to indicate that the stick recovered at the instance of the Applicant was stained with blood with the same blood group as that of the deceased. Apart from the said recovery, there is no other material on record to show the involvement of the Applicant in commission of the crime.

5. The contention that the Application was having illicit

relationship with the wife of the deceased and that she had transferred the amount of Rs.10,00,000/- into his account without the knowledge of the deceased may at the most be a motive of commission of crime. Though motive is an important element in commission of a crime, in the absence of any other material to show involvement of the Applicant in commission of the crime, he cannot be detained in custody solely on the basis of proof of motive alone.

6. The Applicant has no criminal antecedents. He is a permanent resident of the State. There are no chances of his absconding or thwarting the course of justice. Considering the above facts and circumstances, in my considered view, this is a fit case for grant of bail. Hence, the order:-

- (i) The application is allowed;
- (ii) The Applicant who is facing trial in Sessions Case No. 14 of 2022 pending on the file of the learned Sessions Judge at Pandharpur, District Solapur, arising out of Crime No.1368 of 2021 registered with Sangola Police Station, be released on **cash bail** of Rs.25,000/- (Rupees Twentyfive Thousand Only) for a

period of six weeks.

- (iii) With the period of six weeks, the Applicant shall furnish bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (iv) The Applicant shall report to the Sangola police station on the first day of every month till framing of the chargesheet;
- (v) The applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;
- (vi) The Applicant shall keep the Investigating Officer informed of his permanent as well as temporary address, if any, and his contact details, and/or change of residence or mobile details from time to time.

(ANUJA PRABHUDESSAI, J.)