

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

BAIL APPLICATION NO. 1736 OF 2023

Shankar Appa Batale

...Applicant

vs.

State of Maharashtra

...Respondent

Mr.Priyal Sarda – Advocate for Applicant.

Mr.H.J.Dedhia – APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 21ST JULY 2023

P. C. :

1. On last date, I have already heard Mr.Priyal Sarda for the Applicant. Today it is kept for hearing learned APP. He reiterated the materials against the present Applicant.

2. The Accused are charge-sheeted for committing an offence punishable under Sections 302, 120-B, 506(2) read with 34 of Indian Penal Code, 1860 [“IPC”], Sections 3, 4 read with 25 of Arms Act and Section 37(1) read with 135 of Bombay Police Act.

3. The FIR is lodged by Vaibhav Prakash Gaikwad. On 23rd January, 2023 at 12.30 a.m., in the midnight, two unknown persons came near his hotel on Pune-Kolhapur service road and one of them wearing black colour jacket and another was wearing black shirt. He

fired towards Amit Abasaheb Bhosale and murdered him. The First-Informant was also threatened. They ran away on motorcycle. The present Applicant is Accused No.8.

4. The conclusion drawn by the Police is that Accused No.1 hatched conspiracy and hired the service of other Accused persons and Accused Nos. 1 to 6 and 8 to 12 along with juvenile Accused No.7 have hatched conspiracy and murdered the husband of the Accused No.1.

5. The Accused Sachin Ramesh Chavan has used the pistol and he has fired on the deceased and he brought that pistol from the present Applicant and again given it back to him.

6. The relevant materials are on Page No.129. It is the seizure panchnama about pistol alleged to be recovered from this Applicant. Whereas, memorandum panchnama of Accused Sachin Chavan is on Page No.124. He has handed over back the said pistol to present Applicant. He has also produced one more weapon but that is from different place.

7. Except the recovery of pistol, there is no allegation against the present Applicant either in the commission of the offence or taking part in the conspiracy. Nothing is pointed out that the Applicant was aware that this pistol was going to be used for committing a murder.

8. Charge-sheet is already filed. He deserves to be released on bail. Hence, order :-

O R D E R

- (i) Application is allowed.
- (ii) Applicant Shankar Appa Batale be released on bail in connection with C.R. No. 32 of 2023 registered with Satara Taluka Police Station for the offences punishable under Sections 302, 120-B, 506(2) read with 34 of IPC, Sections 4 read with 25 of Arms Act and Sections 37(1) read with 135 of Bombay Police Act, on furnishing personal bond and surety bond of Rs.50,000/- with permission to furnish two or more sureties of Rs.25,000/-.
- (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner and cooperate the Police as and when required.
- (v) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.

9. These are my prima facie observations. Let the learned trial Court need not be influenced by them.

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.]