

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

BAIL APPLICATION NO. 2531 OF 2022

Bhausahab @ Anil @ Anna Shripati Daingade ..Applicant

v/s.

The State of Maharashtra . ..Respondents

**WITH
BAIL APPLICATION NO. 2536 OF 2022**

Samadhan Shripati Daingade ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Vikrant Phatate i/b. Mr. Vishal Waghela a/w. Mr. Vijay Bendgude for the Applicants in both matters.
Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 10th AUGUST, 2023.**

P.C.

1. By these applications under Section 439 Cr.P.C., the applicants seek enlargement on bail in Crime No. 135 of 2022 registered with Sangola Police Station, Solapur for the offences punishable under Sections 143, 147, 148, 120B, 201, 302, 323, 364, r/w. 149 of the Indian Penal Code.

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

3. The aforesaid crime was registered pursuant to the FIR lodged by Bhagwan Babu Chavan, father of the deceased Sanjay Chavan. The material on record prima facie reveals that the deceased had eloped with the sister of the co-accused Anil and Sunil Pujari. It is alleged that the co-accused Anil Pujari and Sunil Pujari, along with this applicants, went to Miraj, that they brought the deceased, and thereafter committed his murder.

4. The only material against the applicants is the extra judicial confession by the co-accused Anil Pujari, made to the witness Indrajeet Chavan. A perusal of the said statement prima faice reveals that the co-accused had informed him that they had sought assistance of the applicants herein to trace the deceased Sanjay Chavan. They had proceeded to Miraj and traced the deceased. It is stated that the applicants, thereafter left the place, and the co-accused Sunil Pujari and Anil Pujari went with the deceased

towards Udhanwadi to Chopadi road and caused his death. The records prima facie indicate that the role of the applicants was only involved in tracing the deceased and that the death of Sanjay Chavan was actually by the other co-accused.

5. Considering the role attributed to the applicants and the material in support thereof, in my considered view, this is a fit case to exercise the discretion under Section 439 of Cr.P.C. Hence the application is allowed on the following terms and conditions:-

(i) The Applicants above named who are facing trial in Crime No. 135 of 2022 registered with Sangola Police Station, Solapur, are ordered to be released on bail, on furnishing bail bonds in the sum of Rs.40,000/- (Rupees Forty Thousand Only) each with one or two sureties in the like amount;

(ii) The Applicants shall report to Sangola Police Station, once in three months, on the first Monday of the month, between 11.00 a.m. to 2.00 p.m. until framing of the charge;

(iii) The Applicants shall not interfere with the complainant or the

other witnesses, or tamper with the evidence in any manner;

(iv) The Applicants shall keep the Investigating Officer informed of their permanent as well as temporary address, if any, and their contact details, and/or change of residence or mobile details from time to time.

(ANUJA PRABHUDESSAI, J.)