

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2715 OF 2022

Rama @ Ramdas Nathu Shinde

..... Applicant

Versus

State of Maharashtra

..... Respondent

Mr. Shailesh Chavan with Mr. Jitendra D. Chavan and Mr. Vaibhav Medankar, Advocate for Applicant.

Ms. Pallavi N. Dabholkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th SEPTEMBER, 2023.

PC. :

1. By this application, applicant is seeking bail in Crime No.475 of 2021 registered with Khed Police Station for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860.

2. It is prosecution's case that on 28th June 2021, Sonal, wife of deceased filed missing complaint of her husband - Somnath with Khed Police Station. In investigation, police arrested applicant and other co-accused in connection with the murder of Somnath. It is alleged that applicant had love affair with co-accused – Sonal, wife of deceased –

Somnath and, on that count, applicant, co-accused – Sonal and other three persons conspired to commit murder of Somnath.

3. It is the contention of learned counsel for applicant that allegations against applicant are that he had love affair with the wife of deceased and in conspiracy with co-accused, as per his direction, co-accused have committed murder of deceased by throttling. Learned counsel further submitted that co-accused who allegedly committed murder of deceased have been released on bail by this Court and trial Court, hence, requested to allow the application.

4. Learned APP submitted that applicant is the main conspirator. He had love affair with co-accused – Sonal, wife of deceased and to eliminate deceased, applicant had hatched conspiracy with other co-accused and on direction of applicant, other co-accused by throttling murdered Somnath. If applicant is released on bail, he may threaten prosecution witnesses, hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

6. The allegations against the applicant are that he had love affair with co-accused – Sonal, wife of the deceased - Somnath and to eliminate Somnath, he had hatched conspiracy with other co-accused and with the help of other co-accused, Somnath was killed. It is

alleged that applicant was not present at the incident spot. The co-accused who have allegedly committed the murder of deceased – Somnath have been released on bail by this Court and trial Court. To prove the allegations of conspiracy evidence of witness is necessary. Applicant is behind bar for more than two years. Investigation is completed and charge-sheet has been filed. In view of above, further detention of applicant is not required.

7. In view of above, I pass following order :

ORDER

- (i) Applicant be enlarged on bail in Crime No.475 of 2021 registered with Khed Police Station, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to

influence or contact the complainant, witnesses or any person concerned with the case.

8. The application is allowed in the aforesaid terms and is accordingly disposed off.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

SHUBHADA
SHANKAR
KADAM

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by SHUBHADA
SHANKAR
KADAM
Date:
2023.10.06
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