



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

987 BAIL APPLICATION NO. 200 OF 2024

1. Ramesh S/o Tukaram Bhale.
2. Ganesh S/o Balshiram Bhalekar. **... Applicants**

Versus

The State of Maharashtra. **... Respondent**

...

Advocate for Applicants : Mr. K. N. Shermale.

APP for Respondent/State : Mr. Mukesh K. Goyanka.

...

CORAM : SANJAY A. DESHMUKH, J.

DATE : 29th February, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.797 of 2023, registered with Sangamner City Police Station, District Ahmednagar, for the offences punishable under Sections 302 and 201 read with 34 of the Indian Penal Code.

3 It is averred in the report that the applicants and other accused, particularly, Dipali, who was live-in relationship with deceased Maruti, hatched conspiracy and planned to kill Maruti and

committed his murder on 13th September, 2023 after 08:00 pm. That time, Dipali, the wife of Maruti made phone call to Maruti and called him at Mhasoba Mandir, which was perceived by the family members of Maruti. The dead body of Maruti was found floating in the Pravara river. Thereafter, the report was lodged.

4 The learned counsel for applicants submitted that CCTV footage is the only piece of evidence to show that the applicants were involved in the crime, but the CCTV footage is of Junnar and recorded at 03:30 pm and the incident of murder took place at Sangamner after 08:00 pm. He further pointed out that the applicants have roots in the society. The main accused Dipali is released on bail. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that murder of Maruti is committed at the instance of these applicants and a sickle is seized at their instance, which was used for commission of murder of Maruti. He further pointed out the statements of witnesses and other documents. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, report and statements of witnesses. No doubt the CCTV footage has been seized, but it appears that these applicants and Dipali are appearing in

it. However, it is recorded at 03:30 pm at Junnar and the incident took place after 08:00 pm at Sangamner. Thus, *prima-facie*, the CCTV footage is of no use to infer the involvement of these applicants. However, without advertent into the merits of this case and fact that the applicants have roots in the society, they will not flee away from the trial and the trial will take long period, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicants in connection with Crime No.797 of 2023, registered with Sangamner City Police Station, District Ahmednagar, for the offences punishable under Sections 302 and 201 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with surety of the like amount by each of them on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicants shall not tamper with the prosecution evidence, in any manner.
 - c) The applicants shall not enter into the village of the informant, except the dates fixed at Sangamner Court.

[SANJAY A. DESHMUKH, J.]