



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 BAIL APPLICATION NO. 210 OF 2024

Devanand Balu Koli (Sapkale)

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Jadhav Satej S

APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 22nd APRIL, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 396 of 2022 registered with Yawal police station, District Jalgaon for the offences punishable under Sections 302, 34, 120-B of the I.P.C. His application with similar prayer below Exh.36 in Sessions Case No. 167 of 2022 came to be rejected by the learned Additional Sessions Judge, Bhusawal, vide order dated 22.12.2023.

2. The informant, brother of deceased Manoj Bhangale, averred in the report that accused No.1 Kalpana Patil, 34 years old woman, a member of *Bachatgat* of village Chitoda, Tq. Yawal, district Jalgaon, had a conspiracy to commit murder of Manoj. The said Kalpana Patil owing to pay an amount of Rs.4,00,000/- to Manoj, the brother of the informant, which was given to her as hand loan. Since that amount

was not repaid, Kalpana Patil sent a message to Manoj on WhatsApp that she is ready to return that amount.

3. Thereafter, on 21.8.2022, Kalpana Patil called Manoj at Dongar Kathora Phata of village Chitoda. Accordingly, Manoj went to Kalpana Patil for taking that amount, but he did not return to the house. His search was taken but he was not traced out. His dead body was found in the agricultural land of Chandrakant Nimba Choudhari on the second day. There were 14 injuries on his person. Out of which a serious injury was the throat injury and due to which Manoj died. Accordingly, the report was lodged by the informant. The applicant and other three accused were arrested, out of them one was residing in the house of Kalpana Patil as a tenant. Other two accused were residing in another village. They hatched the conspiracy with said Kalpana Patil to commit murder of Manoj.

4. Learned advocate for the applicant submits that the main accused Kalpana Patil is released on bail by order dated 12.02.2024 in bail application No. 1634 of 2023. The report about the WhatsApp message sent by Kalpana Patil is yet to receive. The applicant has roots in the society, entire investigation is over. There is absolutely no evidence of last seen of the applicant with the other accused or Kalpana Patil. It is lastly prayed to allow the application.

5. Learned A.P.P. for the respondent-State has strongly opposed

the application and submits that the applicant has criminal antecedents and is prosecuted in more than 15 cases. He further pointed out that the applicant will certainly pressurize the prosecution witnesses. Since the investigation is over, the trial may be expedited. Considering serious nature of the crime of murder, the sentence of death or imprisonment for life can be imposed. Hence, the application deserves to be rejected.

6. Perused the charge sheet. The papers of investigation show that there was conspiracy between Kalpana Patil and other two accused, however, it is matter of evidence. Therefore, without adverting to the merits of the case and the fact that the charge sheet is filed, the custody of the applicant is not necessary. The trial will take a long period. The applicant has roots in the society. He will not flee away from the trial. Some of the accused are released on bail and thus the application deserves to be allowed. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 396 of 2022 registered with Yawal police station, District Jalgaon for the offences punishable under Sections 302, 34, 120-B of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following

conditions:-

- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- b) The applicant shall not enter within the vicinity of village Chitoda, Tq. Yawal, District Jalgaon, till the conclusion of trial.
- c) If any breach of the above conditions is noticed by the trial court, the trial court shall proceed to cancel the bail of this applicant without reference to this court.

(SANJAY A. DESHMUKH, J.)

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