

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.4121 OF 2023

Vyankatesh @ Vicky Vijay Bhosale ...Applicant
Versus
The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.760 OF 2024
IN
CRIMINAL BAIL APPLICATION NO.4121 OF 2023

Manjusha Mahadeo Gorge ...Applicant
In the matter of:
Vyankatesh @ Vicky Vijay Bhosale ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Bhalchandra Shinde a/w. Mr. Prashant Raul and Mr. Ganesh Pawar Advocates, for the Applicant.
Ms. Veera Shinde, APP, for the Respondent-State.
Ms. Sejal Hariyan, Advocate for the Intervenor-Complainant.
Mr. Prakash Somnath Pawar, A.P.I., Indapur Police Station, Pune Rural, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 18th MARCH 2024

P. C.:

1. Heard Mr. Bhalchandra Shinde, learned Counsel for the Applicant and Ms. Veera Shinde, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	31 of 2021
2.	Date of registration of F.I.R.	20/01/2021
3.	Name of Police Station	Indapur Taluka, District-Pune
4.	Section/s invoked	302, 201, 120-B r/w. 34 of the I.P.C., 1860; 4 and 25 of the Arms Act, 1959
5.	Date of incident	17/01/2021 to 20/01/2021
6.	Date of arrest	20/01/2021
7.	Date of filing of Charge-sheet	09/04/2021

3. As per the prosecution case, the Accused and the villagers were under the impression that the deceased was in a relationship outside of marriage with Sarubai Vijay Bhosale i.e. mother of the present Applicant and also with Sushmita Sonawane and Kajal Sonawane, cousins of the present Applicant. The Accused Nos.1 to 4 who are from the same family and the Accused Nos.5 and 6 who are close relatives have committed the murder of the deceased by assaulting him with a sharp weapon, in which both his hands, legs, and the head was severed. According to the prosecution, the

Accused Nos.3 to 6 disposed of the torso and the severed body parts in the Bhima River bed in order to destroy the evidence.

4. Mr. Bhalchandra Shinde, learned Counsel for the Applicant submitted that there are total 6 Accused out of which except for the present Applicant, all others have been enlarged on bail. Accused Nos.1 to 4 are family members of the Applicant and Accused Nos.5 and 6 are close relatives of the Applicant. He further submitted that the case is of circumstantial evidence. Except for last seen together, there is no other evidence.

5. On the other hand, Ms. Veera Shinde, learned APP for the Respondent-State and Ms. Hariyan, learned Counsel for the Intervenor strongly opposed the Bail Application. They submitted that the deceased was mercilessly assaulted. The offence in question was committed using a sharp weapon, in which the deceased's both hands, both legs, and head was severed and the said body parts were attempted to be disposed of in the Bhima River bed in order to destroy the evidence. They submitted that there are strong circumstances against the Applicant including that the Applicant was last seen together with the deceased and the

head of the deceased was recovered at the instance of the present Applicant.

6. Perusal of the record shows that in the present case, the incident in question occurred on 20th January 2021, F.I.R. was lodged on 20th January 2021, the Applicant was arrested on 20th January 2021 and, Charge-sheet was filed on 9th April 2021. There is no progress in the trial, except framing of the charge. As per the Charge-sheet, there are 44 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. All the co-Accused against whom the same allegation are made, have been enlarged on bail. Accordingly, the Applicant is entitled for bail on the ground of parity.

8. The Applicant does not have any criminal antecedents.

9. The Applicant does not appear to be at risk of flight.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant – Vyankatesh *alias* Vicky Vijay Bhosale be released on bail in connection with C.R. No.31 of 2021 registered with the Indapur Taluka Police Station, Taluka - Indapur, District - Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Indapur Taluka Police Station, Taluka - Indapur, District - Pune on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person

acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

12. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

13. In view of the disposal of the Bail Application, nothing survives in the Interim Application and the same is disposed of as such.

[MADHAV J. JAMDAR, J.]