

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2526 OF 2023

Ankush Shamrao Salgar ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Vikrant Phatate (through Video Conference) a/w. Mr. Mahesh Arjun i/b. Mr. Vishal Waghela and Mr. Vijay S. Bendgude, Advocates, for the Applicant.
Ms. Savita M. Yadav, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 16th JULY 2024

PC:-

1. Heard Mr. Phatate, learned Counsel appearing for the Applicant and Ms. Yadav, learned APP appearing 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.	135 of 2022
2.	Date of registration of F.I.R.	07/02/2022

3.	Name of Police Station	Sangola Police Station, District-Solapur.
4.	Section/s invoked	302, 201, 364, 120(B), 323, 143, 147, 148 and 149 of the I.P.C., 1860
5.	Date of incident	07/02/2022
6.	Date of arrest	09/02/2022
7.	Date of filing of Charge-sheet	13/04/2022

3. As per the prosecution case, the wife of the deceased died in the year 2017 and thereafter in the year 2020, the deceased developed a relationship outside of marriage with the wife of the present Applicant and thereafter he eloped with her. Therefore, Police complaints were filed and therefore the deceased and wife of the Applicant came to the Mangalwedha Police Station. Therefore the Applicant (Accused No.3) and other Accused i.e. brothers of the Applicant's wife were furious with the deceased. The incident in question has occurred on 7th February 2022. Two brothers of the wife of the Applicant i.e. Accused No.1 and Accused No.2 as well as Applicant and two unknown persons assaulted the deceased with fist blows. Accused Nos.1 and 2 carried the deceased on a motorcycle and the other unknown persons also went on other motorcycle. Thereafter the body of the deceased was

found in an agricultural field in the jurisdiction of Sangola Police Station.

4. Mr. Phatate, learned Counsel appearing for the Applicant submitted there are total five Accused. Except the Applicant, all other Accused have been released on bail. He submitted that the Applicant is incarcerated since 9th February 2022. There is no progress in the trial and even the charge is not framed yet. There are no criminal antecedents against the Applicant.

5. On the other hand, Ms. Yadav, learned APP appearing for the Respondent-State strongly opposed the Bail Application. She submitted that although this is a case of circumstantial evidence, the Applicant was last seen together with the deceased. She submitted that there is recovery of blood stained clothes at the instance of the present Applicant. She also submitted that there is extra-judicial confession as reflected in the statement of Indrajeet Chavan (Page 129). Therefore, she prayed that Bail Application be rejected. On instructions, she stated that there are no other antecedents.

6. Perusal of the record shows that the incident in question took place on 7th February 2022, the F.I.R. was lodged on 7th February 2022, the Applicant has been arrested on 9th February 2022 and Charge-sheet has been filed on 13th April 2022. Till date there is no progress in the trial and even the charge is also not yet framed. As per the Charge-sheet there are 12 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. *Prima facie*, there is substance in the contention raised by the learned Counsel appearing for the Applicant that the case is of circumstantial evidence and there are no incriminating circumstances against the Applicant. As far as motive is concerned, the deceased was having relationship outside marriage with the Applicant's wife which infuriated the Applicant. The Applicant is young man aged 30 years. There are no criminal antecedents against the present Applicant.

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

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

10. In view thereof, the following order:-

ORDER

- (a) The Applicant – Ankush Shamrao Salgar be released on bail in connection with C. R. No.135 of 2022 registered with the Sangola Police Station, Taluka-Sangola, District-Solapur on his furnishing P. R. Bond of Rs.25,000/- with one or two 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 Sangola Police Station, Taluka-Sangola, District-Solapur once in a month, on the first Sunday of the month between

11:00 a.m. and 2:00 p.m. until framing of the charge.

- (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 Trial Court shall decide the case on its merits and uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]