

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2999 OF 2023

Ajay Gangadhar Shelake

....Applicant

Versus

The State of Maharashtra

....Respondent

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Mr. Ritesh Thobde a/w Ms. Ankita P. Pai, Adv. Zubi Ansari and Mr. Changdev Shingade i/b Sagar Tambe, Advocate for the Applicant.
Smt. S. G. Talhar, APP, Advocate for the Respondent-State.
Mr. Vikram Phatate, Advocate for the Intervenor.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th APRIL, 2024.

P.C. :

1. By this application, Applicant is seeking bail in C.R. No. 465 of 2022 registered with Pandharpur Taluka Police Station, Dist. Solapur for the offences punishable under Sections 302 and 120-B read with section 34 of the Indian Penal Code, 1860 (for short "IPC").
2. The prosecution's case is that on 12th July, 2022 between 8:45 to 9:30 hours informant's son Ravikant Patil was proceedings towards Mohol for his company work on motorcycle bearing

registration No.MH-13-CH-9692. When his son reached within the vicinity of village Degaon at Nayara Petrol Pump, co-accused viz., Ranjit Dethe, Prashant Dethe, Nitin Dethe and Vijay Kolekar followed him by Innova Car and gave forceful dash to his motorcycle from behind, due to said dash son of informant fatally injured and died. The allegations against the applicant are that he followed the motorcycle of the deceased and provided the information about the whereabouts of the deceased.

3. It is contention of learned counsel for the Applicant that name of the Applicant has not been mentioned in F.I.R. and he was subsequently arrested. As per prosecution's case the Applicant was not present in the Innova Car, which allegedly dashed to the motorcycle of the deceased. No concrete material is produced on record to show that the Applicant was part of conspiracy with co-accused to eliminate the informant's son. Nothing incriminating is recovered at the instance of the Applicant. Investigation is completed charge-sheet has been filed. Applicant is behind bar around 2 year. Hence, requested to allow the Application.

4. It is contention of learned APP that Applicant was part of conspiracy to kill the deceased. The Applicant followed the motorcycle

of the deceased and provided the information to co-accused Vijay Kolekar on his mobile. The details of call record of Applicant and co-accused Vijay Kolekar shows that on the date of incident there were 13 calls made between them during the period of incident, it shows active involvement of the Applicant in the present crime. If Applicant is released on bail, he may influence prosecution witnesses hence, requested to reject the Application.

5. I have heard both learned counsel. Perused the F.I.R. and charge-sheet.

6. The allegations against the Applicant are that he was part of conspiracy and he followed the motorcycle of the deceased on the day of accident. No evidence is produced on record to show that the Applicant had followed the motorcycle of the deceased on the day of incident. Police had arrested the Applicant on the statement of co-accused. The CDR record shows the phone calls between co-accused and Applicant but, at *prima facie* stage, it cannot be considered as a conclusive proof against the Applicant, as no other evidence to corroborate it has been produced. The Applicant is behind bar around 2 year. The investigation is completed and charge-sheet has been filed hence, his further detention is not required and, I pass following

order;

ORDER

- i. The Applicant be enlarged on bail in C.R. No.465 of 2022 registered with Pandharpur Taluka Police Station, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- ii. The Applicant shall attend the nearest 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. The Applicant shall inform his latest place of residence and mobile number immediately after being released and/change of residence or mobile details, if any, from time to time to the Investigation Officer.
- iv. The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- v. The Applicant shall not enter in the Pandharpur

Taluka till framing of charge, except giving attendance in police station.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. It is made clear that the above observation 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 observation made in this order.
9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)