



Diksha Rane

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

BAIL APPLICATION NO.830/2024

RAMESH VILAS KUMBHAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. Satyavrat Joshi i/b. Adv. Sakshi S. Mane for the
applicant.

Mr. B. B. Kulkarni, APP for the State.

PSI Atul D. Thorat, Bharati Vidyapith police Station, Pune City.

CORAM : M. S. KARNIK, J.

DATE : APRIL 4, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 302, 120-B, 201 read with 34 of
the Indian Penal Code (hereafter 'IPC' for short) registered
on 3/7/2021 vide C.R. No.501/2021 with Bharati Vidyapith
Police Station, Pune City.

3. The applicant was arrested on 3/7/2021. By an order
dated 1/11/2023, the co-accused Aniket @ Amol Ramdas
Badgam was enlarged on bail. The order reads thus:-

"2. This is an application for bail in respect of the offence punishable under Sections 302, 120-B, 201 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 37(1)(3) read with 135 of the Maharashtra Police Act registered on 03.07.2021 vide C.R. No.501 of 2021 with Bharati Vidyapeeth Police Station, Pune.

3. The date of the incident is 03.07.2021. There are in all four accused. The applicant is the accused no.4. The applicant was arrested on 03.07.2021. The prosecution case in brief is that the deceased - Anand Gulab Gujar was the husband of the accused No.1. There were disputes between the accused No.1 and her deceased husband. The accused No.1 was in a relationship with the accused No.2. The applicant No.1 therefore wanted a divorce from the deceased. The deceased was harassing her. The accused No.1 along with her children started staying in the 'Math' of which the accused No.2 was the Maharaj. The prosecution case is that the deceased came to the 'Math' and picked up a fight with the accused No.1. The present applicant and co-accused No.3 therefore intervened when the deceased was overpowered. It is alleged that the accused No.3 and the present applicant assaulted the deceased with a wooden log (bhairav danda).

4. Learned APP opposed the application for bail. It is submitted that the statements of the co-accused clearly reveal the role of the applicant. It is further submitted that the statement of the witness-Abhishek Sanjay Kalate would reveal that Brezza car which was used to destroy the evidence was handed over by the applicant to the said Abhishek for cleaning and washing.

5. The case is based on circumstantial evidence. The material is in the form of the statements of the co-accused which implicates the applicant. There is no recovery at the instance of the present applicant. The applicant is not having any criminal antecedents reported against him. The applicant is in custody since 03.07.2021 almost for a period of 28 months. The trial is likely to take a long time to conclude. In the facts and circumstances of the present case I am inclined to enlarge the applicant on bail. The applicant does not appear to be a flight risk."

4. The prosecution case is that the applicant and the co-accused Aniket @ Amol Ramdas Badgam assaulted the

deceased. The deceased was opposed to the relationship of his wife (co-accused) had with the present applicant. The materials reveal that the deceased went to 'Math' of which the applicant was a 'Maharaj' and picked up a quarrel with his wife. It appears that the deceased tried to assault his wife (co-accused). The applicant and the co-accused Aniket @ Amol Ramdas Badgam intervened and assaulted the deceased with wooden log and cricket bat.

5. Learned APP vehemently opposed the application for bail. He submitted that there is a recovery of wooden log and cricket bag at the instance of the present applicant. It is further submitted that the assault was in the 'Math' which belongs to the applicant. The car belonging to the applicant in which the dead body was allegedly carried was stained with blood. The car was recovered at the instance of the applicant.

6. Learned counsel for the applicant, on instructions, submitted that applicant is willing to stay outside the State of Maharashtra if enlarged on bail till trial concludes.

7. The applicant was arrested on 3/7/2021 and now is in custody for more than two years and eight months with no

possibility of the trial concluding any time soon. The charge is not yet framed. The case is entirely based on circumstantial evidence. The circumstance against the applicant is recovery of bat, wooden log and the car. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ramesh Vilas Kumbhar in connection with C.R. No.501/2021 registered with Bharati Vidyapith Police Station, Pune City, shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more local sureties in the like amount.
- (c) Except for attending the trial, the applicant shall not enter the State of Maharashtra till the trial concludes.
- (d) The applicant shall report to the nearest police station close to his residence while staying outside the State of Maharashtra twice a month i.e. on 1st and 3rd Monday of every month between 11.00 am and 1.00 pm.

(e) The applicant shall furnish his contact number and residential address while residing outside the State of Maharashtra to the Investigating Officer and shall keep him updated, in case there is any change.

(f) 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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport to the investigating officer.

8. The application is disposed of.

(M. S. KARNIK, J.)