

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

CRIMINAL BAIL APPLICATION NO. 2088 OF 2023

Sangram Babu Ranpise

...Applicant

Versus

The State Of Maharashtra And Anr.

...Respondents

....

Mr. Ramnik Pawar i/by Ms. Samiksha Pawar, Advocate for the Applicant.

Mr. Shailesh Chavan a/w Mr. Ajinjkya Sangitrao, Advocate for the Original Complainant.

Mr. Arfan Sait, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st FEBRUARY, 2024.

P.C.:

1. Leave to amend to add complainant as Respondent Amendment be carried out immediately. Learned Advocate Mr. Chavan is permitted to file Vakalatama on behalf of Intervenor. The Applicant is seeking bail in C.R. No.286 of 2021 registered with Satara City Police Station for offence punishable under Sections 302, 201 r/w 34 of Indian Penal Code (for short 'IPC').

2. This is a second application for bail before this Court. The previous application rejected by this Court vide Order dated 23rd

December, 2022.

3. The prosecution case is as under:-

The first informant is the mother of deceased. On 5th April, 2021, the first informants son Akash did not return home. At about 10.00 p.m. she gave phone call to him. He told her that he would return in five minutes. At about 10:30 p.m. the first informant again gave call to Akash. The call was responded by one Sangram Ranpise and he told her that, he would leave Akash in five minutes. At about 11.45 p.m. first informants daughter Deepali gave a call to Akash. He told her that he would return within five minutes and switched off the phone. Akash did not return home. On the next day morning attempts were made to call him but his phone was found switched off. The first informant and her husband went to their shop at Shahu Market. They heard the conversation about finding of half burnt body of some person behind Shahu Market. Subsequently they came to know that motorcycle of Akash is lying at Shahu Market. During search they found half burnt body of Akash. They also noticed blood stained cement stone at the place where the body was found. The articles found at the place of incident were belonging to Akash. First Information Report was registered on 6th April, 2021. On completing investigation, charge-

sheet was filed.

3. Learned Advocate for the Applicant submitted that the Applicant is in custody from 6th April, 2021. There is no progress in the trial. No witness has been examined by the prosecution. The Applicant was not produced before the trial Court on several occasions. The other co-accused were granted bail by this Court. The case is based on circumstantial evidence. The material on record would indicate that the Applicant was not present at the scene of offence at the time of incident. The statement of some of the witnesses are recorded under Section 164 of Cr.P.C. One of the witness Shahrukh Shaikh has stated that the Applicant had informed him that the crime is committed by Tejas Awale and Manya Kamble and the Applicant is not concern with it. Tejas Awale is granted bail by this Court. The evidence of CDR used by the prosecution is not incriminating against them. The CDR indicates the location of the Applicant. He was not present at the place of crime. The Applicant cannot be detained in custody for indefinite period.

4. Learned APP submitted that there is sufficient evidence against the Applicant. There are strong circumstances in the nature of CDR and the statements of witnesses. The deceased was brutally

assaulted and burnt after he was killed. There is evidence of last scene together. The previous application for bail was rejected by this Court on merits. There is no change in circumstance. Charge is framed. Summons is issued to the witnesses. Two witnesses were present in the Court. However, the case was adjourned at the request of the Accused. Trial can be expedited.

5. Learned Advocate for the informant submitted that the strong evidence against the Applicant. Statement two witnesses indicate that there was extra judicial confession. Statement of witness indicate that the Applicant has made extra judicial confession to the said witness.

6. The previous application was rejected vide Order dated 23rd December, 2022. The co-accused were granted bail prior to the rejection of the said application. While rejecting the prevision application for bail this Court has analyzed the evidence against the Applicant showing his involvement in the crime. The Order was passed by assigning detailed reasons. There is no change in circumstance to entertain the application. Hence, I pass the following order.

ORDER

- i. The Criminal Bail Application No.2088 of 2023 is rejected;

- ii.** The trial is expedited.
- iii.** The trial Court is requested to conclude the trial within one year.
- iv.** Both the sides should cooperate with the trial Court in concluding the trial expeditiously.
- v.** If trial is not concluded within one year the Applicant is at liberty to file fresh application for bail.
- vi.** This Order may be communicated with the trial Court immediately.
- vii.** Application stands disposed off.

(PRAKASH D. NAIK, J.)