

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

CRIMINAL BAIL APPLICATION NO.2228 OF 2023

Ramdas Popat Tambe

...Applicant

Versus

The State of Maharashtra
(through Bhosari Police Station, Pune)

...Respondent

Mr. Priyal G. Sarda, Advocate/s for the Applicant.

Mr. P.H. Gaikwad, APP for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 16th February 2024

P. C.

1. Heard Mr. Sarda, learned Counsel appearing for the Applicant and Mr. Gaikwad, 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.	896 of 2022
2.	Date of registration of F.I.R.	5th November 2022
3.	Name of Police Station	Bhosari, District Pune
4.	Section/s invoked	302, 364, 201 of the <i>Indian Penal Code, 1860</i> .
5.	Date of incident	13th August 2022
6.	Date of arrest	5th November 2022
7.	Date of filing Charge-sheet	3rd February 2023

3. As per the prosecution case, the Applicant is running a website on the internet namely 'Reporter Today News'. The Applicant came in contact with the deceased, who was from Odisha and a romantic relationship developed between the two of them.

4. In December 2019, the deceased called the Applicant at Odisha as her father and brother had gone to Bahanpur, District Ganjam and the Applicant resided with the deceased for two days. Thereafter again in December 2021, the deceased called the Applicant to Odisha and therefore he went there again in December 2021. As the family members of the deceased were harassing the couple, they were residing in a room at Pune. Thereafter the deceased again went to Odisha.

5. On 5th April 2022, the deceased again came to Pune to stay with the Applicant and they stayed together. During the said period, there were disputes between them and the deceased was insisting that the demand should be made to her father of one house at Odisha and for that purpose, the Applicant should support the deceased, whereas the Applicant was of the opinion that the deceased should not demand anything from her father.

6. It is the prosecution case that the deceased threatened the Applicant that if the Applicant fails to help her, the deceased would lodge a false case of rape against the Applicant and

therefore the Applicant committed murder of the deceased on the bank of the Indrayani River.

7. Mr. Sarda, learned Counsel appearing for the Applicant submitted that this is a case of circumstantial evidence. The F.I.R. has been lodged as per the statement of the Applicant, which is impermissible. He submitted that the date of incident is 13th August 2022. The F.I.R. has been registered on 5th November 2022 and the Applicant was arrested on 5th November 2022. He submitted that the Charge-sheet is filed on 3rd February 2023. He further submitted that till date, there is no progress in the trial and even the Charge is also not framed.

8. On the other hand, Mr. Gaikwad, learned APP strongly opposed the Bail Application. He pointed out the contents of the Affidavit dated 12th February 2024 of Ashok Dadarao Kendre attached to Bhosari Police Station. He submitted that there is incriminating material against the Applicant including C.D.R. report, recovery of motorcycle at the instance of the brother of the Applicant, and statement of the brother of deceased. He further submitted that after the Applicant killed the deceased, the Applicant filed the missing complaint. He, therefore submitted that in view of incriminating material against the Applicant, bail be not granted.

9. Perusal of the record shows that the date of the incident is 13th August 2022, F.I.R. has been registered on 5th November 2022 on the basis of the statement of the present Applicant, the Applicant has been arrested on 5th November 2022. The Charge-sheet has been filed on 3rd February 2023. Till date, there is no further progress in the trial. As per the Charge-sheet, there are about 35 witnesses proposed to be examined by the prosecution. The case is of circumstantial evidence. Although some circumstances are incriminating, the investigation is completed. Therefore, the trial is likely to take a considerably long time.
10. The Applicant does not appear to be at risk of flight.
11. The Applicant does not have any criminal antecedents.
12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
13. In view thereof, the following order:-

ORDER

- (a) The Applicant- Ramdas Popat Tambe be released on bail in connection with C.R. No.896 of 2022 registered with the Bhosari Police Station, District- Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two 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 Bhosari Police Station, 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.

(h) The Bail Application is disposed of accordingly.

(i) It is clarified that the observations made herein are

prima facie, and the trial Court shall decide the case on its own merits and uninfluenced by the observations made in this Order.

BHALCHANDRA
GOPAL
DUSANE

[MADHAV J. JAMDAR, J.]

Digitally signed by
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