

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2238 OF 2023

Umesh Gurbalappa Banajgoal	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Abhijeet Desai a/w. Mrs. Daksha Punghera, Mr. Karan Gajra, Mr. Vijay Singh, Mr. Digvijay Kachare, Advocates i/b. Desai Legal for the Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

Mr. Tukaram D. Rathod, A.P. I. Daund Police Station, Pune present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 29th FEBRUARY 2024

PC:-

1. Heard Mr. Desai, learned Counsel appearing for the Applicant and Ms. Shinde, 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.	157 of 2022
2.	Date of registration of F.I.R.	25/03/2022
3.	Name of Police Station	Daund Police Station, Pune
4.	Section/s invoked	302, 201, 120B r/w. 34 of

		the I.P.C.,1860
5.	Date of incident	25/03/2022
6.	Date of arrest	01/04/2022
7.	Date of filing of Charge-sheet	01/07/2022

3. As per the prosecution case, the Applicant is Accused No.1. The Accused No.2-Ashwini Rajendra Shinde, who is the wife of the deceased, was in a relationship outside of marriage with the Applicant. As the deceased was opposing the said relationship between the Applicant and his wife i.e. Accused No.2, the Applicant and Accused No.2 decided to kill the deceased and accordingly, the incident in question occurred on 25th March 2022.

4. Mr. Desai, learned Counsel appearing for the Applicant submitted that the case is of circumstantial evidence. He submitted that circumstances alleged against the Applicant are that he was last seen together with the deceased and that the statement of the mother of the deceased stating that as the Applicant was in a relationship outside of marriage with the Accused No.2, there used to be quarrels between the deceased and Accused No.2. He further submitted that although the Applicant was apprehended on 1st

April 2022 and Charge-sheet was filed on 1st July 2022, yet there is no further progress in the trial.

5. On the other hand, Ms. Shinde, learned APP appearing for the Respondent-State strongly opposed the Bail Application. She submitted that although the case is of circumstantial evidence, strong circumstances exist including that the Applicant was last seen with the deceased, and that there is recovery of a hammer at the instance of the Applicant. The statement of the mother of the deceased clearly mentions about the involvement of the Applicant in the offence in question and that telephone calls were made between the Applicant and the Accused No.2.

6. Perusal of the record shows that the incident in question occurred on 25th March 2022, the Applicant was apprehended on 1st April 2022 and Charge-sheet was filed on 1st July 2022. There is no further progress in the trial and even the charge is also not framed yet. The case is of circumstantial evidence. As per the Charge-sheet there are 33 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. There are no criminal antecedents against the present Applicant.
8. Mr. Desai, learned Counsel appearing for the Applicant states that as several witnesses are from Taluka-Daund, the Applicant will therefore not reside within Taluka-Daund and that the Applicant will reside at Rohan Vasteria Society, 19/3/1/1/1, Plot No.2, Kamal Park Road, D-11, Pune 411 015.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Umesh Gurbalappa Banajgoal be released on bail in connection with C. R. No.157 of 2022 registered with the Daund Police Station, Taluka-Daund, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall not enter the Taluka-Daund after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (c) 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.
- (d) The Applicant shall report to the Dhanori Police Station, District-Pune once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Dhanori Police Station, District-Pune to communicate details thereof to the Investigating Officer.
- (e) 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.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

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

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

[MADHAV J. JAMDAR, J.]