

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

CRIMINAL BAIL APPLICATION NO. 2587 OF 2023

Mahesh Pandit Bankar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Veerdhawal Deshmukh a/w Mr. Akshay Kumar Mishra i/by
Hulyalkar & Associates, Advocates, for the Applicant.
Mr. P.P. Malshe, APP, for Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 20th March 2024

P. C.

1. Heard Mr. Deshmukh, learned Counsel for the Applicant and Mr. Malshe, learned APP 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.	119 of 2023
2.	Date of registration of F.I.R.	26th February 2023
3.	Name of Police Station	Saswad, District-Pune
4.	Section/s invoked	302, 304-B, 498-A r/w 34 of <i>I.P.C., 1860</i>
5.	Date of incident	26th February 2023
6.	Date of arrest	26th February 2023
7.	Date of filing Charge-sheet	In or about May 2023

3. As per the prosecution case, there was dispute going on between the Applicant and the deceased and in fact both of them have also affirmed the documents about their divorce before a Notary. The deceased was residing at her parents house however she had returned to her matrimonial house. The Applicant suspected that the deceased was in a relationship with some other man. As per the prosecution case, the Applicant committed murder of the deceased by assaulting her with a knife.

4. Learned Counsel for the Applicant submitted that the case is based on circumstantial evidence. The only circumstance against the Applicant is of last seen together and recovery of a knife. He submitted that there are no antecedents.

5. On the other hand, Mr. Malshe learned APP vehemently opposed the Bail Application and submitted that the Applicant was a habitual alcoholic and that he used to assault the deceased. Therefore, in fact the deceased was residing at her parents house. He submitted that although the case is based on circumstantial evidence, the circumstances are very strong. The Applicant was last seen together with the deceased and there is recovery of a knife.

6. In this case, the incident took place on 26th February 2023, the Applicant was arrested on 26th February 2023 and the Charge-sheet was filed in or about May 2023. As per the Charge-sheet there are 24 witnesses proposed to be examined by the prosecution. The Charge is not yet framed. Accordingly, the trial is likely to take a considerably long time.
7. The case is of circumstantial evidence. *Prima facie*, except the last seen together and recovery of knife at the instance of the Applicant, there is no other circumstance connecting the Applicant to the crime.
8. The Accused No.2 i.e. the mother of the present Applicant has been released on bail by the learned Trial Court.
9. The Applicant does not appear to be at risk of flight.
10. The Applicant does not have any criminal antecedents.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:-

ORDER

- (a) The Applicant - Mahesh Pandit Bankar be released on bail in connection with C.R. No.119 of 2023 registered with the Saswad 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 Saswad 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 prosecution 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.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]