

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3471 OF 2023

Ramesh Namdev Rupnar

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH
INTERIM APPLICATION NO.1148 OF 2024
IN
BAIL APPLICATION NO.3471 OF 2023

Satish Bayaji Mane

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Umesh R. Mankapure a/w Mr. Nilesh Wable & Stefy J. Dias, for the Applicant.

Ms. S. S. Kaushik, APP, for the Respondent-State.

Mr. Kuldeep U. Nikam, for the Intervenor.

CORAM: MADHAV J. JAMDAR, J.

DATED: 25th APRIL 2024

P. C.

1. Heard Mr. Mankapure, learned Counsel for the Applicant, Ms. Kaushik, learned APP for the Respondent-State and Mr. Nikam, learned Counsel for the Intervenor.

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.	114 of 2023
2	Date of registration of F.I.R.	10/06/2023

3	Name of Police Station	M.I.D.C. Kupwad, District-Sangli
4	Sections invoked in F.I.R.	302 & 34 of the <i>I.P.C., 1860</i>
5	Sections applied in Charge-sheet	302, 120-B, 109 & 34 of the <i>I.P.C., 1860</i> ; 4 & 25 of the <i>Arms Act, 1959</i> ; 37(1)(3) & 135 of the <i>Maharashtra Police Act, 1951</i> .
6	Date of incident	09/06/2023
7	Date of arrest	20/07/2023
8	Date of filing Charge-sheet	31/08/2023

3. As per the prosecution case, the Applicant and the deceased-Shubham Santosh Mane are good friends. As per the prosecution case, the Applicant was in a relationship with one Sunita Jagannath Gadade. The Applicant suspected that the deceased was also involved with said Sunita and therefore there was some altercation between the Applicant and the deceased. Therefore, the Applicant used to call Shubham and used to threaten him regarding the said aspect. It is the prosecution case that therefore all the Accused have conspired together to kill the deceased. As per the prosecution case, the Applicant had given a contract to Accused Nos.1, 2, and 3 for the purpose of murdering the deceased. The present Applicant is Accused No.4.

4. It is the submission of Mr. Mankapure, learned Counsel for the Applicant that no role is attributed to the present Applicant in the actual assault. He submitted that even as per the earlier statements recorded, even the motive has been attributed only to Accused Nos.1, 2, and 3. He

submitted that there was some dispute regarding an accident involving horse drawn carriages. He submitted that in any case the Charge-sheet has been filed and the investigation has been completed. He submitted that the only role attributed to the Applicant is that of conspiracy. He further submitted that co-Accused No.3 has been released on bail by the learned Trial Court. He submitted that there are no antecedents against the Applicant. He therefore submitted that the Applicant be enlarged on bail.

5. On the other hand, Ms. Kaushik, learned APP and Mr. Nikam, learned Counsel for the Intervenor strongly opposed the Bail Application. They pointed out the statement of Deepali Santosh Mane (page 162) and submitted that there was a strong motive for the Applicant to commit the offence in question. They submitted that although the Applicant has not participated in the actual assault, the Applicant is the main conspirator and in fact the motive has been attributed to the Applicant. Both of them therefore submitted that the Bail Application be rejected.

6. Ms. Kaushik, learned APP, on instructions, states that there are no antecedents against the Applicant.

7. Perusal of the record shows that the incident in question took place on 9th June 2023 and F.I.R. was lodged on 10th June 2023. In the F.I.R., name of only three Accused persons are mentioned and the

present Applicant is not mentioned as Accused therein. The present Applicant was arrested on 20th July 2023. It is an admitted position that investigation has been completed and Charge-sheet has been filed on 31st August 2023. As per the Charge-sheet, there are 41 witnesses proposed to be examined by the prosecution. Till date, there is no progress in the trial and even the charge is also not framed yet. Accordingly, the trial will take a considerably long time to conclude.

8. *Prima facie*, there is substance in the contention of Mr. Mankapure, learned Counsel for the Applicant that even as per the prosecution case, the role attributed to the present Applicant is that of conspiracy and the Applicant had not participated in the actual assault on the deceased.

9. Ms. Kaushik, learned APP and Mr. Nikam, learned Counsel for the Intervenor expressed an apprehension that if the Applicant is released, then he will threaten the witnesses.

10. In view of said apprehension, Mr. Mankapure, learned Counsel for the Applicant has taken instructions and submitted that as several witnesses are from District-Sangli, the Applicant will therefore not reside within District-Sangli and the Applicant will reside at C/o. Sanjay Bhagwan Rupnar, Nazare Math, Taluka-Sangola, District-Solapur. He states that the Applicant will not enter District-Sangli and the Applicant will report to Sangola Police Station, District-Solapur.

11. The Applicant is a young man aged 27 years.
12. The Applicant does not have any criminal antecedents.
13. The Applicant does not appear to be at risk of flight.
14. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
15. In view thereof, the following order:-

ORDER

- (a) The Applicant - Ramesh Namdev Rupnar be released on bail in connection with C.R. No.114 of 2023 registered with the MIDC Kupwad Police Station, District-Sangli on his furnishing PR. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter the Sangli district 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 Sangola Police Station, District – Solapur once every week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Sangola Police Station, District – Solapur 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.

16. The Bail Application is disposed of accordingly.

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

18. In view of disposal of the Bail Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]