

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

BAIL APPLICATION NO.3600 OF 2023

Ranjit @ Babu Balaso Vanjhare

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kishan Chaudhari, for the Applicant.

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

Mr. Kiran Sampange, API & Mr. Narayan Deshmukh, PI, Yavat Police Station, Pune, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : FEBRUARY 16, 2024

P.C.:

1. Heard Mr. Chaudhari, learned Counsel appearing for the Applicant and Ms. Kaushik, 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.	720 OF 2018
2	Date of registration of F.I.R.	06/08/2018
3	Name of Police Station	Yavat Police Station, District-Pune
4	Section/s invoked	302, 143, 147, 148 & 149 & 120-B of the <i>Indian Penal Code, 1860</i> and Section 3 r/w 25 of the <i>Arms Act, 1959</i> .

5	Date of incident	05/08/2018
6	Date of arrest	06/08/2018
7	Date of filing Charge-sheet	02/02/2019

3. As per the prosecution the case, there was dispute between the accused persons and the deceased Swapnil @ Pintu Dnyandeo Shelar on the ground of illegal excavation of sand and also on the count of financial transactions. On 5th August 2018 at about 10.00 p.m. at Kedgaon, Taluka-Daund, District-Pune, all accused persons gathered in an unlawful assembly and in furtherance of common intention assaulted the deceased Swapnil Shelar with deadly weapon sickle and committed his murder. The Informant is Vishal Dnyandeo Shelar.

4. Mr. Chaudhari, learned Counsel appearing for the Applicant submitted that there are a total of 11 accused and 8 of them have been released on bail. He submitted that the accused having same role have been released on bail. To substantiate the said contention, he pointed out the Order dated 17th February 2023 passed by a learned Single Judge [Coram: N. R. Borkar, J.] in Criminal Bail Application No.3568 of 2022, the Order dated 6th July 2023 passed by learned Additional Sessions Judge 2, Baramati, District-Pune below Exh. 86 in Sessions Case No.68 of 2019 and also the Orders passed with respect to other accused. He submitted that the Applicant was arrested on 6th August 2018

and till date there is no progress in the trial. He submitted that even the charge is also not framed yet.

5. On the other hand, Ms. Kaushik, learned APP appearing for the Respondent-State strongly opposed the Bail Application. She submitted that the Applicant has actually assaulted the deceased. The wife of the deceased is the eye-witness and there is no other eye-witness to the incident in question and therefore bail be not granted. She also submitted that there is an antecedent being C. R. No.515 of 2018 registered with Yavat Police Station for the offences punishable under Sections 143, 147, 148, 149, 324, 323, 504 and 506 of the *Indian Penal Code, 1860* (“IPC”).

6. A perusal of the record shows that the incident occurred on 5th August 2018, the F.I.R. was registered on 6th August 2018 and the Applicant was arrested on 6th August 2018. The Charge-sheet has been filed on 2nd February 2019 and till date i.e. after a period of about 6 years there is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are a total of 31 witnesses proposed to be examined by the prosecution. Therefore, the trial is unlikely to conclude in a short time.

7. A learned Single Judge of this Court by Order dated 17th February 2023 granted bail to co-accused Babu @ Vishal Shivaji Memane. The relevant discussion in paragraphs 4, 5 and 6 of the

said Order, reads as follows:

“4. It is the case of the prosecution that on the date of incident, which took place on 5 August 2018, the applicant alongwith other co-accused assaulted the deceased by koyta etc. and committed his murder as there was dispute between the deceased and some of the co-accused on account of some financial transaction.

5. According to the prosecution, Sujata Swapnil Shelar - wife of the deceased and Bapurao Narayan Shelar are the eye-witnesses to the alleged incident. If it is so then it is not understood as to why the first information report was lodged only on the basis of suspicion and why the statement of both the eye-witnesses came to be recorded three days after the alleged incident.

6. Considering the overall facts and circumstances and as the applicant is in jail for more than 4 years, I am inclined to release him on bail.”

(Emphasis added)

8. Thus, a learned Single Judge has found that although the wife of the deceased is the eye-witness, the F.I.R. has been lodged only on the basis of suspicion and the statements of both the eye-witnesses came to be recorded after three days. As per the said statements of witnesses, the role attributed to the present Applicant is the same as that assigned to other two unidentified persons. One of the said unidentified person is Anil@Sunil Arun Shitole and he has been granted bail by the Order dated 6th July

2023 passed by learned Additional Sessions Judge 2, Baramati, District-Pune below Exh. 86 in Sessions Case No.68 of 2019.

9. There are a total of 11 accused of which 8 have been released on bail. The details of the same are as follows:

Sr. No.	Accused Name	Case No.	Order date	Coram
1	Santosh Sampat Jagtap	Cri. Bail Application No.894/2019	11/09/2019	Additional Sessions Judge, Baramati
2	Sameer Sampat Jagtap	Cri. Bail Application No.102/2020	06/02/2020	Additional Sessions Judge, Baramati
3	Babu @ Vishal Shivaji Memane	Cri. Bail Application No.3568/2022	17/02/2023	N. R. Borkar, J.
4	Anil Tukaram Mohite	Anticipatory Bail Application No.1005 of 2019	25/04/2019	P. N. Deshmukh, J.
5	Deepak Dashrath Dandawate	Cri. Bail Application No.68 of 2019	09/05/2019	Additional Sessions Judge, Baramati
6	Anil @ Sunil Arun Shitole	Application at Exhibit 86 in Sessions Case No.68 of 2019	06/07/2023	Additional Sessions Judge 2, Baramati, Dist. Pune
7	Bhushan Ravindra Sabale	Application at Exhibit 17 in Sessions Case No.68 of 2019	07/05/2019	Additional Sessions Judge, Baramati
8	Datta Sidram Kamble	Application at Exhibit 3 in Sessions Case No.68 of 2019	02/05/2019	Additional Sessions Judge, Baramati

10. It is an admitted position that investigation has been completed and that Charge-sheet has been filed on 2nd February 2019. There are 31 witnesses as per the Charge-sheet. The trial is unlikely to conclude in a short time.

11. As far as the antecedent is concerned, the same is of the year 2018 being C. R. No.515 of 2018 for the offences punishable

under Sections 143, 147, 148, 149, 324, 323, 504 and 506 of the IPC.

12. Mr. Chaudhari, learned Counsel appearing for the Applicant states that as several witnesses are from Daund Taluka, the Applicant will therefore not reside within Taluka-Daund, District-Pune and that the Applicant will reside at his relative's house i.e. C/o. Pratik Dinesh Badekar, Badekar Nagar, Uruli Kanchan, Taluka-Haveli, District-Pune-412 202.

13. The Applicant does not appear to be at risk of flight.

14. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Ranjit@Babu Balaso Vanjhare be released on bail in connection with C.R. No.720 of 2018 registered with the Yavat Police Station, District-Pune on his furnishing P.R. Bond of Rs.50,000/- with two solvent local sureties in the like amount.
- (b) The Applicant shall not enter the Daund Taluka, Pune District after being released on bail, except for reporting to the Investigating Officer, if called.
- (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 Uruli Kanchan 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 Uruli Kanchan 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 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.

15. The Bail Application is disposed of accordingly.

16. 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.

[MADHAV J. JAMDAR, J.]