

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 922 OF 2024

Sachin Manohar Lingade ... Applicant.

V/s.

State of Maharashtra thr. PS, ... Respondent.
Pandharpur

Shri Kuldeep Nikam i/b Prasad Avhad, Advocate for Applicant

Shri Pandurang H.Gaikwad-Patil, APP for the State.

Shri Kartik Garg, Advocate for Respondent No.2.

CORAM : ANIL S. KILOR, J.

DATED : 24TH JULY, 2024.

RAJIV
BABARAOJI
RAUT

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PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.484 of 2023, registered with Police Station, Pandharpur Rural for the offences punishable under Sections 302, 307 read with Section 34 of the Indian Penal Code, 1860, Sections 4 and 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act, 1951.
3. The allegation against the applicant is that he instigated the driver of the pick-up van, who gave dash to the motorcycle of the deceased and he was repeatedly asking the driver of the pick-up

van to crush the deceased under the van. The complainant narrated this story of instigation on the basis of the story narrated to him by deceased-Sugriv.

4. It is the case of the prosecution that when the dash was given, the deceased overheard the conversation of the accused who were sitting in the pick-up van. The deceased had given details of the conversation that had taken place between the applicant and the co-accused.
5. Considering the prosecution story, it is doubtful whether a person can hear a conversation in so detail which was going on between the persons who were sitting in the enclosed pick-up van. As far as the applicant is concerned, except this evidence there is nothing.
6. It is not the case of the prosecution that the applicant was driving the vehicle and he is responsible for the said accident. There are no allegation of conspiracy or even there is nothing, as far as the applicant is concerned, to say that there was any motive.
7. The learned APP and the learned counsel for the respondent No.2 opposed the application on the ground that there are statements of the witnesses who were present when the deceased-Sugriv told his father-complainant the complete story. It is further submitted that two sickles were found in the pickup van and lastly it was pointed out that there are antecedents against the applicant.

8. Having gone through the charge-sheet, it is evident that the story of the prosecution is doubtful whether the deceased was in a position to hear the conversation which was going on in the enclosed pickup van at the time of accident and since the whole case is based on the narration of the story by the deceased-Sugriv, I am of the opinion that at this stage it is not safe to fully rely upon it to say that the applicant instigated the driver of the pickup van to kill the deceased-Sugriv or his brother.
9. The evidence, *prima facie* show that as far as co-accused are concerned, there was rivalry between them and the family of the deceased and therefore, there was motive.
10. In the circumstances, if the period of incarceration is considered, which is about 10 months, I am of the opinion that further custody of the applicant is not necessary.
11. Accordingly, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.484 of 2023, registered with Police Station, Pandharpur Rural for the offences punishable under Sections 302, 307 read with Section 34 of the Indian Penal Code, 1860 and Sections 4 and 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act, 1951 on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- iv) The applicant shall not enter into the territorial jurisdiction of Pandharpur Rural Police Station, till conclusion of the trial, except for the trial;
- v) The applicant shall provide his address and the name of the nearby Police Station to the Investigating Officer and shall attend the said Police Station on 1st and 16th day of each month between 01:00 pm and 03:00 pm, till conclusion of the trial, except on the date of the trial;
- vi) Liberty is granted to the State as well as to the complainant to apply for cancellation of bail if there is any breach of condition or misuse of liberty by the applicant.
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)