

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1235 OF 2024

Ram Vijay Babudhinsingh Kumar .Applicant

*Versus*

The State of Maharashtra .Respondent

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Mr. Shailesh Kharat, Advocate, for the Applicant.  
Ms. S. M. Yadav, APP, for the Respondent – State.  
Mr. Santosh Ram Jadhav, Police Head Constable B. No. 1478, Dehu  
Road Police Station, Pimpri-Chinchwad, Pune present.

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**CORAM: MADHAV J. JAMDAR, J.**  
**DATE: 12.07.2024**

**P. C.**

1. Heard Mr. Kharat, learned Counsel for the Applicant and Ms. Yadav, 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.                      | 97 of 2022                                   |
| 2. | Date of registration of F.I.R. | 12/02/2022                                   |
| 3. | Name of Police Station         | Dehu Road, District-Pune                     |
| 4. | Section/s invoked              | 302, 201 and 120-B r/w. 34 of the IPC, 1860. |
| 5. | Date of incident               | 30/01/2022                                   |
| 6. | Date of arrest                 | 17/02/2022                                   |
| 7. | Date of filing of Charge-sheet | 12/05/2022                                   |

3. The prosecution case is set out in paragraph No. 3 of the affidavit dated 6<sup>th</sup> July 2024 of Mr. Vijay Jankiram Waghmare, Senior Police Inspector, presently attached to Dehu Road Police Station, Pimpri Chinchwad, District-Pune. The said prosecution case reads as under:

*“(a) The first information report (for short F.I.R.) was lodged by HC 811 Baliram Rambhau Chavan of Dehuroad Police Station (for short Informant) on the basis of investigation in a missing person report No.08/2022 registered at Dehuroad Police Station on the complaint of Jyoti Akash Gorkhe regarding her missing husband named Akash Ashok Gorkhe. During the investigation of the said missing report it came to knowledge that accused named Soni Umesh Jegare (mother-in-law of deceased) hatched a conspiracy along with her daughter (wife of deceased) named Jyoti Akash Gorkhe, Ravi Dhanu Rathod, Akshay @ Munna Chandrakant Londhe, Sahil Sanjay Panchras, Ramvijay Babudhansingh Kumar to murder Akash Gorkhe as he would assault, harass his wife Jyoti constantly after consuming alcohol. Jyoti fed up from Akash’s behaviour complained to her mother. Her mother promised her she would take care of Akash once and for all. Soni approached Ravi Rathod with her proposal to dispose of Akash, Ravi suggested names of Akshay Londhe, Ramvijay Babudhansingh Kumar, Sahil Panchras for this job and also assured Soni money if she needed it for this job. Soni under the guise of love and sexual relationship got Akshay Londhe, Ramvijay Babudhansingh Kumar, Sahil Panchras ready to murder Akash. Ravi Rathod provided Rs.3,000/- to Akshay Londhe for this job. On 30/01/2022 they decided to execute their plan. They dropped Akash near Dehugav Kaman for a trip to Chalisgav in the rickshaw of Shahrukh Nazir Shaikh and Shubham Chandaliya. After that Akshay Londhe, Ramvijay Babudhansingh Kumar, Sahil Panchras picked Akash from Dehugav Kaman and took him to Moi in their rickshaw where they consumed alcohol. After that they took Akash to a secluded spot near Nighoje where Ramvijay Babudhansingh Kumar*

*assaulted Akash with a koyta on his head, stomach, after Akash fell down Sahil Panchras hit Akash with a stone on his head. Akshay assaulted Akash with bamboo, fists and kicks with the intention of murdering him. They disposed of his body by putting it in a plastic goni and dumped it in a drainage near Mahadev Aali, Chikhli, Pune.”*

4. Mr. Kharat, learned Counsel appearing for the Applicant submits that the Applicant was arrested on 17.02.2022. The charge-sheet was filed on 12.05.2022. There is no progress in the trial and even charge is also not framed. He submits that the case is of circumstantial evidence and except last seen together and recovery of bamboo at the instance of the present Applicant, there is no other incriminating evidence. He submits that recovery is from the open space. He further submits that one more incriminating circumstance is that he has been identified by the witness who had last seen the Applicant together with the deceased. He submits that the Applicant was arrested on 17.02.2022. The statement of Shahrukh Nazir Shaikh who has allegedly last seen the Applicant together with the deceased, was recorded on 17.02.2022. The charge-sheet was filed on 12.05.2022 and identification parade was conducted on 18.05.2022. He, therefore, submitted that identification parade is not of significance. He submitted that there are no antecedents.

5. On the other hand, Ms. Yadav, learned APP for the Respondent-State vehemently opposed the Bail Application. She submitted that the Applicant was last seen together with the deceased. She further

submitted that there is recovery of bamboo at the instance of the Applicant and that the Applicant was identified by the witness who has last seen the Applicant together with the deceased. She, therefore, submitted that the Bail Application be rejected. After taking instructions, Ms. Yadav, learned APP submitted that there are no antecedents.

6. Perusal of the record shows that in the present case, the incident in question occurred on 30<sup>th</sup> January 2022, F.I.R. was lodged on 12<sup>th</sup> February 2022, the Applicant was arrested on 17<sup>th</sup> February 2022 and Charge-sheet was filed on 12<sup>th</sup> May 2022. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are about 25 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. The Applicant does not have any criminal antecedents.

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

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

10. In view thereof, the following order:

**ORDER**

- (a) The Applicant – Ram Vijay Babudhinsingh Kumar be released on bail in connection with C.R. No.97 of 2022 registered with the Dehu Road Police Station, District – Pune on his furnishing PR. Bond of Rs.25,000/- with one or two 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 Dehu Road Police Station, District - Pune on the second 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 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.

11. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J]