

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3375 OF 2024

Babasaheb @ Bhau Gajanan Gadhave,
Age 31 years, Occ.Labour, R/o.At Ravangaon,
Tal.Daund, District Pune.

(Presently at Central Jail, Yerwada)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kuldeep U.Nikam with Mr.Om.N.Latpate and Mr.Arjun Waghmare
for Applicant.

Mrs.Veera Shinde, APP for State.

PSI Yuvraj Patil, Baramati Police Station, present.

CORAM : ANIL S.KILOR, J.

DATE : 6th December 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the Applicant is seeking bail in Crime No.310 of 2023 registered with Baramati Taluka Police Station, District Pune, for the offences punishable under Sections 302, 201, 120B r/w 34 of the Indian Penal Code.

3. After going through the charge sheet and relevant material collected by the Investigating Officer during the investigation it is clear that the whole case is based on circumstantial evidence.

4. It is evident from the record that body of the deceased was found on 25th May 2023, floating in a pond at Mauje Shirshuphal, Taluka Baramati, District Pune. Till 1st September 2023 no one was

arrested and on 1st September 2023 all the five accused came to be arrested.

5. Thereafter on 5th September 2023 statement of a witness who is the vendor who sold nylon rope allegedly used in the offence, was recorded, who stated that he could recall that 5-6 months before, the Applicant came to his shop and purchased the nylon rope.

6. Similar is the statement of a waiter who states that he witnessed the hatching of conspiracy by the accused for elimination of the deceased while sitting in the restaurant. Admittedly both the statements were recorded on 5th September 2023 i.e. after four months, therefore, it creates doubt about its veracity.

7. In the circumstances, as there is no sufficient prima facie circumstantial evidence available on record and furthermore, as there are no antecedents against the Applicant, I am of the opinion that since the charge sheet has been filed, further custody of the Applicant is not necessary. Accordingly, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.310 of 2023 registered with Baramati Taluka Police Station, District Pune, for the offences punishable under Sections 302, 201, 120B r/w 34 of the Indian Penal Code on furnishing PR.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall attend Baramati Taluka Police Station, Taluka Baramati, District Pune, on 1st of every month between 10.00 a.m and 11.00 am till conclusion of trial, except on the date of trial;

(iv) 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;

(v) Liberty is granted to the State for cancellation of bail if the Applicant breaches any condition or misuses the liberty or commits similar offence;

(vi) The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)

MST