

Harish

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

CRIMINAL BAIL APPLICATION NO.386 OF 2025

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Shivannand Bhimraigond BiradarApplicant
Vs.
The State Of MaharashtraRespondent

Adv. Yogiraj B. Purwant for the Applicant.
Mr. A. S. Shalgaonkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th SEPTEMBER 2025

P.C.:

1. By this application, the applicant is seeking regular bail in C.R.No. 174 of 2023 registered with Talbid Police Station, Dist-Satara for the offences punishable under Section 302 and 201 of the Indian Penal Code, 1860.

2. It is the prosecution's case that on 29th September, 2023 one half burned dead body was found beside the half constructed drainage line. In the investigation it revealed that accused no. 1, co-accused and applicant murdered the deceased as accused no. 1 had taken the amount from the deceased on the assurance that he will provide him job, but he failed to provide him job and the deceased was prodding him for

returning the money.

3. It is the contention of learned counsel for the applicant that the prosecution case is based on circumstantial evidence. There is no evidence against the applicant except the statement of co-accused. In the statement of co-accused, he has stated that accused no. 1 has killed the deceased and burned his dead body. The allegations against the applicant are of disposing of dead body, which is bailable offence. Applicant is behind bar around 23 months. Though charge is framed before one year, there is no progress in the trial. It may take time to conclude the trial. Hence, requested to allow the application.

4. It is the contention of the learned APP that deceased was brutally murdered by the applicant and co-accused. At the time of incident applicant was present in the car. He helped the accused no. 1 to kill the deceased. To prove the role of the applicant in the crime, evidence is required. Police has recovered the CCTV footage. In the CCTV footage, the applicant is seen with the co-accused. The applicant and co-accused conspired to murder the deceased. Hence, he requested to reject the application.

5. I have heard all learned counsel. Perused the FIR and documents produced on record.

6. As per the prosecution case, the motive to kill the deceased is against accused no.1 as he had taken amount from the deceased for providing him job. The allegations against the applicant are that he conspired with accused no. 1 to kill the deceased. The documents produced on record show that the accused no. 1 has killed the deceased and the applicant has helped him dispose dead body of the deceased. Accused no. 1 killed the deceased by chocking and thereafter accused no.1 and accused no. 2 burned the dead body by pouring petrol on it. No specific role is attributed to the applicant. Applicant is behind bar around 23 months. Though the charge is framed, there is no progress in the trial. It may take time to conclude the trial. Considering these facts, further detention of the applicant is not required.

7. In view of above, I pass the following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail in C.R.No.

174 of 2023 registered with Talbid Police Station, Dist: Satara, on executing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the trial court proceeding regularly.

(iv) The applicant shall attend the concerned police station as and when required.

(v) The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]