

AGK

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

BAIL APPLICATION NO.1745 OF 2024

Ganesh Bajirao Khandagale ... Applicant

V/s.

The State of Maharashtra ... Respondent

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Mr. Raju Suryawanshi for the applicant.

Ms. Supriya I. Kak, APP for the respondent-State.

CORAM : AMIT BORKAR, J.

DATED : JULY 3, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime Register No. 205 of 2023 registered with Shahapur Police Station, for the offences punishable under Sections 302, 201, 120-B read with Section 34 of the Indian Penal Code, and under Sections 9, 39(1)(b), 49, and 51(1)(a) of the Wild Life (Protection) Act, 1972.

2. As per the prosecution case, the deceased Gopal Rangaiyya Naidu was allegedly killed by the absconding accused Ramesh Bhaskar More and co-accused Arun Farde and Somnath Jadhav, who allegedly conspired to eliminate the deceased due to a monetary dispute. The case of the prosecution is that accused Ramesh More had borrowed an amount of ₹16 lakhs from the deceased under the pretext of arranging a government job. When

he failed to return the money, a conspiracy was allegedly hatched to kill the deceased using a venomous snake.

3. It is alleged that the present applicant supplied a venomous cobra to accused Ramesh More and Arun Farde. The prosecution claims that on 3rd June 2023, the accused administered liquor to the deceased, made him roam across various locations, and got him bitten by the snake. The deceased was later allegedly murdered and buried in an agricultural field. The applicant was arrested on 19th June 2023.

4. Learned Advocate for the applicant submitted that the applicant has no criminal antecedents and has been falsely implicated. It is submitted that the only allegation against the applicant is that he provided a snake, and even according to the statement recorded, the snake was supplied for agricultural purposes, i.e., to control rat infestation. It is further submitted that the post-mortem report does not conclusively state the cause of death as snakebite, and hence the applicant cannot be said to be a part of a conspiracy to murder. The applicant is in custody since 19th June 2023, and no further custodial interrogation is required. It is prayed that the applicant be released on bail, subject to appropriate conditions.

5. The learned APP opposed the bail and submitted that the applicant knowingly provided a poisonous snake, fully aware of its potential misuse. It is submitted that the applicant's act aided the main conspirators and he should be treated as a co-conspirator. Therefore, the applicant is not entitled to bail.

6. I have considered the submissions of both sides and perused the papers of investigation. Admittedly, the applicant is not present at the spot of occurrence. The role attributed to him is of supplying a snake. The post-mortem report, as placed on record, does not conclusively confirm the cause of death as snakebite. Whether the snake provided by the applicant was actually used in the incident or whether the applicant had knowledge of the criminal intention of the co-accused, is a matter of trial and would require deeper scrutiny of evidence during trial.

7. It is settled law that *bail is the rule and jail is the exception*, especially when the accused is not shown to have played a direct role in the actual commission of murder. The Hon'ble Supreme Court in the case of *Sanjay Chandra v. CBI*, (2012) 1 SCC 40, has held that the object of bail is to secure the attendance of the accused at trial and not to punish him pre-trial. The applicant has been in custody for more than one year, and no material is shown that he may flee from justice or tamper with evidence if released on bail.

8. Considering the nature of the role attributed to the applicant, the period of incarceration undergone, and the fact that trial is likely to take time, a case is made out for grant of bail.

9. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.205 of 2023 registered with Shahapur Police Station for offences punishable under

Sections 302, 201, 120-B read with 34 of the Indian Penal Code and under Sections 9, 39(1)(b), 49, 51(1)(a) of the Wild Life Protection Act, upon furnishing personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report the Shahapur Police Station on every first and fifteenth day of every month between 11.00 a.m. to 1.00 p.m.;
- b) The applicant shall not tamper with the evidence or attempt to influence any witness.
- c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- d) The applicants shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- e) The applicants shall not indulge in any criminal activity during the pendency of the trial.
- f) If any of the above conditions are breached, it shall be open to the prosecution to seek cancellation of bail.

10. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)