

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

**BAIL APPLICATION NO. 1335 OF 2021**

Rushikesh Ramesh More. ... Applicant

V/s.

State of Maharashtra. ... Respondent.

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Mr. Prashant M. Patil, advocate for applicant.

Ms. P.P. Shinde, APP for State.

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**CORAM : SMT. SADHANA S. JADHAV**

**DATE : APRIL 30, 2021.**

**(Through Video Conferencing)**

**PC.**

1           Heard the learned Counsel for the applicant and the  
learned APP for State.

2           This is an application under section 439 of the Code of  
Criminal Procedure, 1973 seeking enlargement on bail. The applicant  
herein is arrested on 14/8/2020 in Crime No. 190 of 2020 registered  
at Ghodegaon Police Station, Pune Rural for offence punishable under  
section 302, 201, 397, 364 read with section 34 of the Indian Penal  
Code. The investigation is completed and charge-sheet is filed.

3           It is the case that one Balu Lande had lodged a missing complaint in respect of his brother Sudam Lande @ Appa. It was contended that on 22/6/2020 the applicant was informed by his wife that Sudam had left the house at about 5 p.m. and had not returned. On the basis of the said report, missing Complaint No. 12 of 2020 was registered.

4           On 13/8/2020 Akshay Sudam Lande, son of the missing person lodged a report at the police station alleging that on 25/6/2020 he was telephonically informed that a dead body of Sudam Lande was found at Walunjwadi. The body was sent for autopsy. All the relatives were present for funeral. It is contended in the FIR that Vicky Erande was missing ever since the dead body of Sudam Lande was found. The report was lodged at the police station and on 13/8/2020. They were called by Manchar Police station and informed that the golden chain adorned by the deceased on 22/6/2020 and Rs. 3000/- to 4,000/- were missing and that the police have found Rishikesh More i.e. present applicant who had come to call Sudam Lande on 22/6/2020 and it has transpired that Vicky Erande had asked the present applicant to call Sudam Lande and they had taken him

alongwith him to forest area. It had also transpired that Vicky Erande had assaulted Sudam with hammer and had taken away his golden chain and money. On the basis of the said report, the applicant was arrested on 14/8/2020.

5            Learned Counsel for the applicant submits that in fact, Sudam Lande was missing since 22/6/2020, whereas FIR is lodged on 13/8/2020. That the allegation of the assault is against Vicky Erande. The only role assigned to the applicant is that he has come to call Sudam Lande on 22/6/2021. The statement of Dynaneshwar Baban Lande were recorded and he had stated that one unknown boy had come to call Sudam and that they had seen one boy going towards Manchar alongwith Sudam Lande.

6            Prima facie, it appears that the applicant was arrested on suspicion. In any case, investigation is completed and charge-sheet is filed. Hence, the applicant deserves to be enlarged on bail. Hence, following order is passed :

**ORDER**

(i)            The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall not tamper with the evidence.

(iv) The application is disposed of accordingly.

**(SMT. SADHANA S. JADHAV, J)**