

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2856 OF 2022

Ganesh Suresh More

... Applicant

V/s.

State of Maharashtra

... Respondent

.....
Mr. K.S.Patil i/b. Ms. Saili Dhurvu, Advocate for Applicant.
Ms. Pallavi N. Dabholkar, APP for Respondent-State.
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CORAM : G. A. SANAP, J.

DATE : 31st OCTOBER, 2023

P C:-

1. Heard.
2. Applicant/accused No.5 has applied for bail in C.R.N. 183 of 2022 registered with Mangalwedha Police Station, Solapur for the offences punishable under Section 302, 201, 120-B read with 34 of Indian Penal Code (for short "IPC").
3. Learned Advocate submitted that the case of the prosecution is based on circumstantial evidence. The learned Advocate submitted that accused No.5 had no motive to commit the crime. Learned Advocate pointed out that the accused Indira and accused

Prashant had extra marital relations and the husband of Indira by named Satyawar had come to know about their relationship. Learned Advocate submitted that relying upon his CDR report and the fact that they were apprehended together, he has been roped in as an accused in this case. Learned Advocate submitted that considering the role attributed to him and the fact that there is no evidence against him, his further incarceration would not be warranted.

4. Learned APP took me through the evidence, complied in the charge-sheet and submitted that all the circumstances put together can lead to infer the involvement and complicity of the accused in the commission of the crime. Learned APP submitted that the case is based on circumstantial evidence. Therefore, release of any of the accused on bail may lead to tampering with the available prosecution evidences.

5. As far as accused No.5 is concerned, he had no enmity with the deceased. It is the case of the prosecution that he is friend of accused Prashant. Prashant had extra marital affair with Indira, wife of deceased. The material on record indicates that Prashant and Indira had an apprehension that the deceased after coming to know their extra marital relations would eliminate them. It is seen that, therefore, Prashant and Indira planned to kill Satyawar.

6. On perusal of Postmortem report it is seen that the deceased was strangled and after strangulation he was hanged from ceiling to make a show that it was a case of suicide. As far as the Accused No.5 is concerned, there is no evidence as such to establish his presence on the spot. In my view considering the role attributed to the accused and the material on record his further incarceration may not be warranted. The apprehension put forth by the learned APP can be taken care of by imposing appropriate conditions.

7. Accordingly, I proceed to pass the following Order :

ORDER

- (i) Applicant - Ganesh Suresh More be enlarged on bail in C.R.N. 183 of 2022 registered with Mangalwedha Police Station, Solapur on furnishing PR.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with solvent surety in the like amount.
- (ii) Applicant shall not in any way tamper with the prosecution evidence.
- (iii) Applicant shall not enter the entire Pandharpur District, till the completion of the trial except for the purpose of attending the case at Court, on the given date and that too by reporting his

appearance at Mangalwedha Police Station,
Solapur in advance.

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

(G. A. SANAP, J.)

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KILAJE

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by SONALI
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