

ORDER BELOW EXH.20.

(State Vs. Pruthviraj Bajrang Namdas)

1. Applicant / Accused Pruthviraj Bajrang Namdas filed this bail application U/Sec. 439 of Cr.P.C. for grant of regular bail in Crime No. 298/2021; for the offences punishable under Sections 302, 201, r/w.34 of the IPC, registered at Alandi Police Station.

2. It is the case of prosecution that, on 26.11.2021 in the morning hour deceased Radheshyam Rathi had been to his work place i.e. Bandi Pvt. Ltd. Chakan. He was driver in the said company; however, he did not return to the house till night and his mobile phone was found switched off. Therefore, on the next day at morning, informant being a wife, went to her husband's work place. On inquiry she was told that, in the last night at about 11.30 p.m. her husband left the company and went towards house by motorcycle. Therefore, the informant made a search of her husband but in vain. Hence, missing complaint was lodged at Mhalunge (Chakan) Police Station. Thereafter, on 30.11.2021 one dead body was found in Chakan wharf. The informant identified the said dead body was of her husband. On investigation it came to know that, Radheshyam was murdered by unknown person. Therefore, she lodged the report. Applicant was arrested on 11.02.2022 and seized the weapon of offence i.e. iron rod and one stone at his instance.

3. The applicant/accused submitted that, he has not committed any offence and he has been falsely implicated in the present crime. Nothing incriminating has been recovered or discovered at the instance of present applicant. During investigation weapon used in the alleged crime has been recovered from the accused No.1 and accused No.1 has been released on bail on 27.09.2022. The same role is

attributed to the present applicant/accused and hence on parity ground the applicant is entitled for bail. Investigation is completed and charge-sheet has been filed. He will abide the conditions imposed by the court and will not pressurize the witnesses. The applicant is in jail since 11.02.2022. His custodial interrogation is not necessary. If the accused is released on bail, he is ready to abide by the conditions imposed by the Court.

4. The learned advocate for the applicant also filed written notes of argument and relied on the following judgments --

[1] Hemant s/o Girjaba Pathare Vs. The State of Maharashtra,
Bail Application No.340/2020,

[2] Akash Vilas Jadhav Vs. The State of Maharashtra, Cri. Bail
Application No.1260/2018

[3] Kiran Dinesh Nagare Vs. State of Maharashtra, Cri. Bail
Application No.187/2018 and

[4] Tanaji Ravji Shinare Vs. The State of Maharashtra, Cri. Bail
Application No.1471/2013

5. The learned APP filed say at Ex.21 and investigating officer filed at Ex.22 and strongly resisted the application by submitting that, during investigation names of accused have been disclosed. On 03.12.2021 lady police constable who was on duty at Ambethan Chowk at about 1.19 p.m. she saw three persons were coming from Chakan Chowk on the motorcycle. When she instructed to stop them, they ran away. That time said lady police took the photo of motorcycle and issued e-challan. On the basis of that e-challan investigating officer arrested the accused. There is prima-facie evidence against the accused. The offence is of serious in nature. After investigation, charge-sheet has been filed. Medical evidence supported the facts of case. If the applicant is released on bail, he will pressurize the witnesses and tamper the

evidence. Hence, considering all legal aspects, circumstances, nature of offence, punishment and evidence on record said application may please be rejected. He relied on the following judgments

[1] Bohatti Devi Vs.The State of Uttar Pradesh in Cri. Appeal
No.1695/2022

[2] Ramesh Bhavan Rathod Vs. Vishanbhai Hirabhai Makwana
(Koli) and

[3] Ishwarji Nagaji Mali Vs. State of Gujarat, LAWS (SC) 2022 1
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6. Perused the application and say submitted by learned APP. Heard learned Advocate for applicant and learned APP for the State. I have also gone through the charge-sheet and the documents therein.

7. In the present matter, the investigation continued on the basis of one e-challan and photographs snapped by lady police constable at signal, where that motorcycle rider and pillion riders jumped the signal. The copy of said photographs which is colour copy is produced on record. The said copy does not show the complete face of any of rider or pillion rider. It is further submitted that the Aadhar Card and other documents and mobile phone of deceased came to be recovered and seized at the instance of present applicant from his house. As such the entire case is based upon circumstantial evidence. Accused No.1 from whose instance weapons came to be seized has already been released on bail. I am of the opinion that the grounds of parity are applicable to the present applicant. Both of the accused are on the same footing. Further the applicant seems to be too young i.e. aged about 19 years. He appaers to have been behind bar since around one year. It further appears that in near future the trial of the present case cannot be concluded due to heavy pendency of under trial prisoners cases. Therefore, considering aforesaid facts and

circumstances, considering his age, period of his detention I am of the opinion that, the present applicant is entitled for grant of regular bail. Hence, I pass the following order.

ORDER

1. Application stands allowed.
2. Applicant / accused Pruthviraj Bajrang Namdas of Crime No.298/2021; for the offences punishable under Sections 302, 201, r/w.34 of the IPC, registered at Alandi Police Station, shall be released on furnishing personal bond of Rs.25,000/- with one or two sureties in the like amount.
3. The applicant shall not pressurize or induce the informant and witnesses. He shall not tamper with the prosecution evidence and shall attend the trial regularly, unless exempted for some reasons.
4. The applicant shall not indulge in similar activities in future.
5. The applicant shall produce authenticate proof of his permanent and local address as well as mobile phone numbers before the court while releasing him on bail.
6. The applicant shall not misuse his liberty in any manner.
7. On failure to present for three consecutive dates, the prosecution is at liberty to apply for cancellation of bail.

Khed.
Date: 27.01.2023

(A.M. Ambalkar)
Additional Sessions Judge,
KhedRajgurunagar, Dist. Pune.