

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
PANVEL-RAIGAD

Sessions case No.533/2019
Order Below Bail application (Exh.14)

State of Maharashtra V/s. Ghanashyam Chandrakor and
Ors.
(CNR No. MHRG170127832019)

(Passed on 05th February, 2021)

1] Applicant/accused No.3-Vikas Sitaram Karande and No.6-Babu Nirmal Bishwas have filed application for regular bail u/sec. 439 of Cr.P.C., of the offence punishable u/secs.302 and 201 of Indian Penal Code, in crime No.81/2019, police station Panvel Town.

2] Perused application, say and record.

3] Ld. Advocate for applicant/accused submitted that, co-accused Mohit Khatik already released on bail long back on 13/011/2019. Initially, F.I.R registered against unknown persons. No eye witness in this matter, found only circumstantial based evidence seen in the charge-sheet. Nothing recovered from them. Only clothes of accused seized. Body of deceased was unidentified. T.I. parade also not supported to the prosecution. C.A reports are negative.

Charge-sheet filed before 2 years, but till date its trial not commenced. There is no possibility to commence said trial earliest. Hence, lastly prayed for their regular bail.

4] Ld.A.P.P. Shri.Bhopi strongly opposed their bail application and submitted that, it is a serious offence of murder. Role of these accused appears in the statement of witnesses. Though it is a matter of circumstantial evidence, but witnesses speaks about the particular role of the present applicants/accused persons. Though charge-sheet filed, but accused persons did not show their change in circumstances, there is a possibility to tamper with the prosecution witnesses. Lastly, prayed for rejection of their bail.

5] I have gone through record and found, F.I.R lodged initially against unknown persons and during the investigation, present applicants/accused persons and other co-accused arrested. Whether they are involved in this crime or not will be decided after concluding of trial, but till date its trial not commenced though charge-sheet filed on 20/05/2019. Prima-facie perusal of charge-sheet, it appears, the case in hand is based on the circumstantial evidence. It is not just and proper to keep present applicants/accused persons behind bar for uncertain period without trial though they are alleged accused persons in the offence of murder.

6] Apprehension of prosecution that, they will tamper with the witnesses and will not turn up before the court, can be taken care by imposing some harden conditions on them. Hence, I pass following order.

O R D E R

1. Regular bail Application (Exh.14) is allowed.
2. Applicant/accused No.3-Vikas Sitaram Karande and No.6-Babu Nirmal Bishwas be released on bail of the offences punishable u/secs.302 and 201 of Indian Penal Code, in crime No.81/2019, police station Panvel Town, on their executing bond of Rs.25,000/- each with one solvent surety each in the like amount on following conditions:
 - a] They shall attend the court on each and every date without fail.
 - b] They shall not meet or pressurize with the victim and prosecution witnesses.
 - c] They shall not leave their concerned district without prior permission of this Court.
3. If applicants/accused persons are unable to furnish any surety during the lock-down period, then they are permitted to deposit surety amount of Rs.25,000/- each in the court and thereafter, they shall furnish solvent surety each in the like amount after lock-down period is over in the court.
4. The breach of above conditions shall lead to the cancellation of bail.

5. Bail before concerned court.

6. Hamdast allowed.

Panvel,

Date : 05/02/2021

(Madhuri A.Anand)

Addl. Sessions Judge, Panvel-Raigad.