



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

BAIL APPLICATION NO.440 OF 2022

Chandrakant Dhondiba Walgude ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Ms. Sana Raees Khan with Ms. Pratibha Pawar with Mr. Aditya Parmar for the Applicant.
Mr. M.G.Patil , APP for the Respondent-State.
ASI Mr. S.B.Chavan, Rajgad P.Stn. Pune present.

CORAM : SANDEEP K. SHINDE J.
DATE : 9th NOVEMBER, 2022.

P.C. :

Heard learned counsel for the applicant and the learned Assistant Public Prosecutor for the State.

2 Applicant seeks his enlargement on bail in connection with the Crime No.0371 of 2020 registered with Rajgad Police Station, Pune for the alleged offences punishable under Sections 302, 307, 143, 147,148,149, 323, 324 and 120-B of the Indian Penal Code, 1860 and

Section 4(25) of the Indian Arms Act.

3. Prosecution case is that, one Yuvraj Bhilare was murdered in 2017, wherein Pravin More was arrested as suspect. After which hostility grew between the brother of Yuvraj Bhilare, his friend Datta Lekavale on one hand and Pravin More on the other hand. On 6th July, 2020, applicant, allegedly caused Pravin More to come out of his house, on some pretext. Thereafter, Pravin More was brutally assaulted by two known and two unknown persons. Complainant maternal uncle of Pravin More (Deceased), disclosed names of known assailants; as Datta Purushottam Lekavale and Mahesh Purushottam Lekavale. Prosecution case is that, one Sachin Bhilare (relative of Yuvraj Bhilare) conspired to eliminate the deceased, he being suspect in causing murder of Yuvraj Bhilare. On lodging report on 7th July, 2020, crime in question came to be registered against two known and two unknown persons. Whereafter on 9th July, 2020, supplementary statement of the complainant

was recorded wherein he disclosed that his son Sangam told him that on the day of the incident, one unknown person persuaded, deceased to come out from the house. Prosecution case is that said person, was none else but the applicant. Thereafter applicant was arrested on 9th July, 2020. It appears, he was identified in the Test Identification Parade held seven months after his arrest. Learned counsel appearing for the applicant would criticize the manner in which Identification Parade was held. Be that as it may, the learned counsel for the applicant submitted that assailant, whose name was disclosed by the complainant in the First Information Report, i.e., Mahesh Purushottam Lekavale has been granted bail by the Hon'ble Supreme Court in the SLP (Criminal) No.3257 of 2022. Copy of the order is taken on record and marked **'X-1' for Identification**. Thus, argued, that a person, who has been attributed role by the complainant, has been granted bail, present applicant deserves to be released on bail, who had not assaulted the deceased and whose, presence itself, is

debateable. The learned Assistant Public Prosecutor does not dispute this fact. Above all, the conspirator, Sachin Bhilare, co-accused has been granted bail by this Court.

4 In consideration of the facts above and in view of the role attributed to the applicant, case is made out for releasing the applicant on bail. Hence, following order:

ORDER

(i) The applicant in Crime No.371 of 2020 registered with Rajgad Police Station, Pune shall be released on executing PR bond for the sum of Rs.30,000/- with one or more sureties in like sum.

(ii) The applicant shall attend the concerned police station twice a month, i.e., 2nd and 4th Monday of every month between 11 a.m. to 1 p.m. till the charge is framed.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer within seven days from the date of his release on bail.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case

5 The application is accordingly allowed and disposed of.

6 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)