

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 487 OF 2015

Bhushan s/o. Vasudeo Sonawane**Applicant.**

Versus

The State of Maharashtra**Respondent.**

Mr. Satej S. Jadhav, Advocate for applicant.

Mr. R.P. Phatke, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 3rd March, 2015.

ORDER :

1) The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2) Initially crime was registered for the offence punishable under section 406 of I.P.C. on the basis of report given by one Shaikh Razzak Shaikh Karim against his driver Bashiruddin. On 25.12.2014 Bashiruddin had taken 340 bags of cement in the truck of the complainant and the bags were to be reached at the place as per the instructions of Arihant Transport Agency. He left at about 9.00 p.m. on 25.12.2014 and the goods were loaded in the truck at about 3.00 a.m. of 26.12.2014. The value of goods was around Rs. 1.2 lakh. When the complainant

tried to contact Bashiruddin on 28.12.2014, he could not contact him and he could not see the truck at the place at which Bashiruddin was expected to stop the truck. He contacted the owner of the aforesaid transport company, but they informed that the bags were not reached to them. The report was then given on 29.12.2014 and the crime came to be registered.

3) It appears that the investigating agency collected call details of Bashiruddin. The dead body of Bashiruddin was found on 1.1.2015. On the basis of call details, police traced accused like Ravi, Ankush, Chetan, Rahul etc. It transpired during investigation that Bashiruddin had joined hands with these persons and they had decided to take away the cement bags and sell to cement to third party like present applicant. There are statements of witnesses like Bhushan alias Viki Sonawane to that effect.

4) If the chargesheet is filed, the State will be proving that there was some dispute between Bashiruddin and other accused and due to that dispute, Bashiruddin was murdered by other accused. The material quoted above shows that when the goods were off-loaded at the place, present applicant had gone to that place with one of the accused. All the bags came to be

recovered on the basis of statement given by present applicant under section 27 of Evidence Act. There is possibility of filing of charge sheet for the offence punishable under section 120-B of I.P.C. along with the offences punishable under sections 302, 406, 411, 201 etc. of I.P.C.

5) The dead body of Bashiruddin was in decomposed condition and the opinion is reserved and the viscera is sent to C.A. Office. The prosecution may be able to prove the murder of Bashiruddin. In view of the nature of material as against the present applicant which is quoted above, this Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case. The applicant has been behind bars since 8.1.2015.

6) In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 50,000/- (Rupees fifty thousand) with one solvent surety of like amount. He is not to tamper with the prosecution witnesses. He is not to commit similar offence.

[T.V. NALAWADE, J.]

ssc/