

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2336 OF 2014

Vinayak Chandrakant Randive	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

BAIL APPLICATION NO. 8 OF 2015

Yuvraj Sham Mane	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Kuldeep S. Patil, Advocate for the Applicant in B.A. No. 2336 of 2014.
Mr. Nitin Baban Kamble, Advocate for the applicant in B.A. No. 8 of 2015.
Mr. Arfan Sait, APP for the State in both the matters.
I.O. Mr. Satish Bhausheb Hodgar, A.P.I, Local Crime Branch, Pune rural present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **10th April , 2015**

P.C.:

These Applications are moved for moved and are decided by one and the same order. The applicants are prosecuted for the offences punishable for murder and conspiracy under sections 302, 143, 147, 148, 149, 120(B) of the Indian Penal Code and under section 3(25)(27) of the Indian Arms Act in C.R. No. 212 of 2013 registered with Vadgaon Mawal Police Station, Pune.

2. The complainant-Dattatray Baburao Lalgude was Ex-Police Patil of Village Naigaon. He used to run the Hotel. He gave a complaint that on

21st December, 2013 at around 8.30 p.m. Pandharinath Haribhai Satkar came to his hotel and was watching TV, at that time, four persons with helmet on their head arrived at the hotel. One person fired at Pandharinath and thereafter assaulted him with the butt of the revolver on his head. Pandharinath fell on the ground. When the complainant and other persons in the hotel tried to catch hold of them, the assailants ran towards the petrol pump by their motorcycle. The complainant shifted Pandharinath to Birla Hospital, Chinchwad, however, he succumbed to the injuries. The applicant/accused Vinayak Randive was arrested on 23rd December, 2013 and applicant/accused Yuvraj Mane was arrested on 16th February, 2014. Hence, these Bail Applications.

3. The learned APP made statement, on instructions from the Investigation Officer, that the charge is going to be framed on 28th April, 2015, however, it is not confirmed.

4. The learned counsel for the applicant Vinayak Randive submitted that there is no evidence against Vinayak except the statement of one Tushar Ovhal. He submitted that as per the case of the prosecution, there is recovery of motorcycle at the instance of Vinayak, however, nobody exactly know the number of the motorcycle and the presence of the applicant/accused at the time of incident. He submitted that the

applicant/accused is in prison since December, 2013.

5. The learned counsel for the applicant Yuvraj Mane has submitted that there is no evidence against the applicant Yuvraj. He has not committed any offence. The applicant was arrested on 16th February, 2014.

6. Learned APP argued that there is evidence of many witnesses disclosing that applicant Vinayak always used to be with Tushar Satkar and Ajit Satkar. He submitted that Tushar Ovhal has mentioned the incident on 9th December, 2013, i.e., 11 days prior to the incident of murder that the applicant/accused Vinayak along with Tushar Satkar had come to his house and Tushar Satkar asked him to join them in the mission of killing Pandharinath, however, he refused and thereafter Tushar Satkar and Vinayak warned him that he would not speak about it to anybody, otherwise they would see him. It is submitted that this evidence shows that Vinayak was aware of the plan of murder. The applicant was party to that plan and therefore, he is facing the charges under section 120B and if at all the applicant Vinayak is released on bail, there is possibility that Tushar Ovhal would not support the prosecution. He further submitted that all the assailants went to the spot on motorcycle and the motorcycle was seized at the instance of Vinayak. The case of the prosecution is

based on circumstantial evidence and there is sufficient evidence against the applicant Vinayak to show his involvement.

7. As regards applicant Yuvraj Mane, learned APP relied on the statement of Nandu Bhoine, which was recorded on 17th February, 2014. Learned APP submitted that the participation and presence of the applicant Yuvraj at the time of incident is mentioned by Nandu Bhoine. This is extra judicial confession given by the applicant/accused.

8. Perused the statement of Nandu Bhoine. There is sufficient evidence against applicant Yuvraj Mane disclosing his *prima facie* involvement in the crime. Learned APP pointed out that there are two cases pending against applicant Yuvraj Mane, one under the Arms Act and other under section 394. In view of this, Bail Application of applicant Yuvraj Mane is rejected.

9. It is true that the applicant Vinayak Randive is facing charges of conspiracy and murder. *Prima facie* there is evidence to show that the applicant Vinayak was a close friend of the assailants. The statement of Tushar Ovhal discloses that the applicant Vinayak was aware of the plan of eliminating Pandharinath Satkar and told Tushar Ovhal that he should not speak about it anywhere. However, apart from the statement of

Tushar Ovhal, at this stage, I have not come across any other evidence. Considering the limited role attributed to applicant Vinayak Randive and as he is in prison since December, 2013 and has no criminal antecedents, I am inclined to grant bail to the applicant Vinayak Randive on the following terms and conditions:

ORDER

- (i) The Application of applicant Vinayak Randive is allowed.
- (ii) The applicant Vinayak Randive be enlarged on bail on furnishing P.R. Bond in a sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the evidence.
- (iv) The applicant shall not indulge into any criminal activity.
- (v) The applicant/accused shall not contact the witnesses in any manner especially Tushar Ovhal.
- (vi) The applicant shall not enter Vadgaon Mawal Taluka.
- (vii) The applicant/accused shall make himself available and attend all the Court dates.
- (viii) The applicant/accused shall not abscond and shall furnish his address to the police along with address proof.
- (ix) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith. The prosecution is at liberty to move an Application before the Sessions Court

accordingly.

- (x) The applicant Vinayak Randive shall not leave India without the prior permission of the Court.

10. The Applications stands disposed of on above terms. The Sessions Court is directed to proceed with the trial as early as possible and endeavour to complete the trial within 6 months.

(MRS.MRIDULA BHATKAR, J.)