

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.200 OF 2015**

Prakash Madhukar Sonawane	Applicant.
Versus	
The State of Maharashtra	...Respondent.

Mr. Sudhir C. Halli i/by Mr.Subhash Hulyalkar, advocates for the Applicant.
Mr. Arfan Sait, APP for the respondent-State.
Mr.M.B.Chavan, API / Investigating Officer attached to Haveli P. Stn present in Court.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 24, 2015.

P.C.:

This application is moved for anticipatory bail under Section 438 of the Cr.P.C. The incident of murder has taken place on 9.1.2015 at 4pm at Pune Panshet Road near one Tushar Motel.

2 It is the case of the prosecution that the applicant alongwith the co-accused have conspired and have committed murder of one Rajendra @ Raju Dattatray Nivangune when he was proceeding in his Scorpio car. The co-accused stopped the vehicle and they all were armed with weapons like sattur, sickle, sticks and stones and also with a fire

arm. They pulled Rajendra out of his car and they all assaulted him brutally, fired at him and ran away. Names of all the co-accused Nos.1 to 7 appearing in the FIR, were given by the brother of the deceased namely, Vijay Nivangune. They were arrested. The police have registered the offence at C.R.No.7 of 2015 for the offences punishable under Section 302, 307, 341, 120B read with Section 34 of the IPC and Sections 3(25), 28 and 29 of the Arms Act against the co-accused nos.1 to 7 and the absconding accused no.8, i.e. the applicant-accused.

3 The learned counsel for the applicant-accused submitted that there is no evidence against the applicant-accused. His name is not appearing in the F.I.R. His name appeared for the first time in the remand report dated 18.1.2015 as a wanted accused as the juvenile accused no.2 Govind has implicated him. Thereafter, in the subsequent remand report, the police have stated that they wanted him because they seized one blood stained Aactiva scooter and that is owned by the applicant-accused. The learned counsel submitted that he is not the owner of the scooter.

4 He further submitted that the statement of the accused involving the co-accused is not admissible and, therefore, he is entitled to pre-arrest bail. He has no criminal antecedents so far. He is not the

owner of the scooter and the scooter is seized on the day one from the other co-accused. He further submitted that the police have not stated in the previous remand that the scooter belongs to the applicant-accused.

5 The learned prosecutor submitted that the applicant-accused is wanted as his name is appeared in the interrogation and the police have suspected and have also ground to believe that he is the one, who is involved in the crime as he was continuously and constantly in contact with the accused no.2 and accused no.6 prior to the incident. The learned counsel submitted that the police have information that the applicant-accused has followed the deceased just before his death and has filtered the information about the movements of the deceased. It is further submitted that the scooter bearing No.MH-12 HR-852 which was seized, was blood stained and was used in the commission of crime by the co-accused. Police have information that the applicant-accused is the contract killer and has more information about the offence. It is submitted that the police require him in order to get more clues.

6 On perusal of the FIR and remand reports, it appears that the police have grave suspicion and clues that the applicant-accused is involved in the commission of offence. The offence is a pre-meditated act wherein accused nos.1 to 7 were armed with weapons and the deceased

was brutally murdered. The police have invoked Section 120B of the Indian Penal Code and are investigating the offence. Whether applicant-accused is the owner of the scooter or was in possession of the scooter is to be investigated by the police. Considering the gravity of the offence, I am not inclined to protect the applicant-accused by granting pre-arrest bail.

7 Application stands rejected.

(MRS.MRIDULA BHATKAR, J.)