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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2702 OF 2014

Rammutri Naidu	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Aamir Shaikh, for the Applicant.
Mr.S.H.Yadav, APP for the Respondent – State.
PSI – Arvind S. Valvi, Rabale Police Station.

CORAM : REVATI MOHITE DERE, J.
DATED : 25th MARCH, 2015.

P.C.

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.269 of 2013 registered with the Rabale Police Station, Navi Mumbai for the alleged offences punishable under Sections 302, 34, 120-B of the Indian Penal Code and under Sections 3 and 25 of the Indian Arms Act.

3. The incident in question has taken place on 20th July, 2013 at about 8.30 p.m. The complainant is the wife of the deceased. It is alleged by the prosecution, that the present applicant had arranged for accused nos.3 and 5 and that accused no.2 had arranged a pistol, through accused no.6 and supplied it to accused nos.3 and 5. It is further alleged that the present applicant dropped the accused in a car bearing No.MH-43-AF-6365 and that accused nos.3 and 5 fired two bullets at the deceased - Trimbak Khairnar. According to the complainant, who is the wife of the deceased, the present incident was an outcome of a rivalry and that the suspicion was expressed on the present applicant, Pramod Deshmukh and Manoj Haldankar.

4. Learned Counsel for the Applicant seeks bail on the ground of parity as well as on merits. He submitted that co-accused – Pramod Deshmukh has been enlarged on bail by this Court vide order dated 2nd July, 2014, and that co-accused – Manoj Haldankar, was also subsequently released on bail by the trial court. He submitted that the nature of allegations as against the present applicant are identical to that of the co-accused - Pramod and Manoj, who have been enlarged on bail. He submitted that although there is a recovery of a gold chain at the instance

of the applicant, there is nothing on record to show that the gold chain belonged to the deceased. He submitted that the only material qua the applicant, is in the form of suspicion and that by itself is not sufficient to ultimately convict the applicant.

5. Learned APP opposed the bail application. He at the outset, submitted that in the present case, trial has commenced and till date seven witnesses have been examined and that the trial is being conducted, on day to day basis. He submitted that the statement of Nandini T. Khairnar shows that the present applicant had met her husband in jail and that after her husband was enlarged on bail the relations were strained between the two. It appears from the statement, that the deceased had disclosed to her, that as he had not helped the present applicant in getting him enlarged on bail, the applicant was upset about the same. The other reason set out in the statement, is that, as the deceased had taken over the applicant's Estate Agency business, the relations between the applicant and the deceased, were strained. It also appears from the complainant's statement, that the applicant was not happy seeing the progress of the deceased, as a result of which the present applicant, and co-accused - Pramod and Manoj killed her husband by

firing at him. The name of the aforesaid persons were taken on suspicion. The learned APP submitted that the statement of the brother of the deceased, is also on similar lines. He further submitted that there are two antecedents as against the present applicant inasmuch as, the applicant was arrested in connection with C.R.No.250 of 2012 for the offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code, registered with the Nerul Police Station and in connection with C.R.No.457 of 2005 for the alleged offences punishable under Section 399, 402 of the Indian Penal Code and under Sections 3, 21 of the Arms Act.

6. Perused the charge-sheet. As far as parity with co-accused – Pramod is concerned, it appears from the order, that he had no antecedents. As far as the order enlarging the co-accused – Manoj on bail is concerned, the said order has not been placed on record. It appears from the statement of the complainant, that motive has been attributed to the present applicant. Admittedly, there are no eye witnesses to the said incident. The injuries sustained by the deceased were fatal. Apart from the aforesaid, it appears that the applicant has antecedents and that whilst on bail, the present CR has been registered as against the applicant. In addition to

this, the trial has already commenced and seven witnesses have been examined till date and in view of the statement made by learned APP that the trial is proceeding on the day to day basis, no interference is warranted at this stage.

7. The Application for bail is rejected and disposed of as such.

8. Be that as it may, considering the fact that the trial has commenced and seven witnesses have already been examined, the trial court shall make an endeavour to conclude the case as expeditiously as possible and preferably, within six months from the date of receipt of this order.

9. Needless to observe, that the trial court shall decide the case on its own merits uninfluenced by the observations made in this order.

10. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)