

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 585 OF 2016**

Shailesh Arun Ranade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ashok P. Mundargi, Sr. Counsel with Ms. Shradha Sawant for the Applicant

Ms. R. M. Gadhavi, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 5th MAY, 2016

P.C. :

1. Heard learned Senior Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 116 of 2014 registered with the Haveli Police Station, Pune, for the alleged offence punishable under Section 302 and 201 of the Indian Penal Code.

3. The incident has taken place on 23rd November, 2014; the FIR has been lodged on 16th December, 2014; the applicant was arrested on 26th July, 2015 and the statements of witnesses implicating the applicant were

recorded sometime in August, 2015. It also appears that the investigation was initially being carried out by the Haveli Police Station and was subsequently transferred to Crime Branch, Pune (Rural) on 30th July, 2015.

4. The complainant is the wife of the deceased. She has alleged that the deceased was under some stress due to some dispute between the applicant and the deceased. According to the complainant, the deceased had put his money in the business and was after the applicant to either make him a partner or to give him some share in the profit and as a result of the same, there was some quarrel between them. According to her, on 23rd November, 2015 at about 8:45 a.m., the deceased left home; returned home at about 1:00 p.m. and thereafter left again for work. She has alleged that thereafter at about 5:45 p.m., her husband Govind (deceased) called her on her mobile and started saying '*SORRY SORRY*' and when she asked where he was, he disclosed that he was at Kothrud. She overheard him saying '*MARLE MARLE*'. According to the complainant, at 7:00 p.m., the present applicant came home and started making inquiries about the deceased. When she disclosed to him that he was not at home, the applicant is alleged to have stated that he will search for him and would beat him. She has

stated that thereafter, after 15 minutes, she received a call from the applicant, who disclosed to her that Govind was found at Nanded Phata and was taken to Navale Hospital. Thereafter, the complainant went to the hospital, where Govind was declared dead. She has stated that the applicant had murdered the deceased by strangulating him.

5. Learned Senior Counsel for the applicant submitted that initially, the investigation was carried out by the Haveli Police Station and that the charge-sheet which is filed against the applicant does not contain any conclusion of the investigation, that was carried out by the Haveli Police Station till August, 2015. He submitted that there are several discrepancies in the statement of the wife of the deceased and the statements of the employees of the applicant's company where the dead body was found. He submitted that the statements of the employees were recorded belatedly in August, 2015, in which, for the first time, they have implicated the applicant and have stated that they had seen the applicant carrying a nylon string and putting it in his pocket. He submitted that there are several discrepancies in the timings when the alleged incident is stated to have taken place.

6. Learned A.P.P opposed the bail application. She has produced today a copy of the papers of investigation carried out by the Haveli Police Station and the statements that were recorded by the Haveli Police. The same is taken on record. She submitted that the applicant had falsely reported to the police that the body was found at Nanded Phata, when infact, the body was found in the company premises. She submitted that the applicant had produced two chits (suicide notes) allegedly written by the deceased, which have been sent to the handwriting expert. Learned A.P.P submits that the suicide notes allegedly written by the deceased and found in the purse of the deceased were produced by the applicant after two days. She submitted that the statements of the witnesses show that the applicant had kept the nylon rope in his pocket and thereafter with the same nylon rope, the applicant had strangled the deceased. She submitted that even the mobile phone of the deceased was handed over by the applicant to the police after two months.

7. Perused the papers. Yesterday, the matter was heard and was kept today so as to enable the Investigating Officer to produce the papers of

the investigation conducted by the Haveli Police. It appears that the police of the Haveli Police Station had, during investigation, recorded statements of several witnesses, including that of the employees of the applicant i.e. the statements of Prasad Jambhulkar, Sachin Barman, Zia-ul-haq, etc. From a perusal of the statements of the witnesses that were examined by the Haveli Police Station, it appears that between 4:00 to 6:00 p.m., the deceased was out of the Company premises. It also appears that it was the applicant who asked his employees to search for the deceased when he received a call from his wife that he was not traceable. It appears that the dead body was thereafter, found in the stair case of the Company, after which the applicant and some of the employees took the deceased, first to Sinhgad Hospital and thereafter to Rakshak Hospital, where he was declared to be dead. It appears that when the deceased was found, he was unconscious and the doctor at the Sinhgad Hospital stated that there was 1% chance of survival, pursuant to which he was taken to Rakshak Hospital. However, on examination by the doctors of the Rakshak Hospital, he was declared to be dead. Although the incident has taken place on 23rd November, 2015, the FIR was lodged only on 6th December, 2015 and the applicant was arrested on 26th July, 2015. It appears that after

the Crime Branch took over the investigation, the statements of the very same employees was again recorded by the Crime Branch, wherein they have implicated the applicant. Admittedly, there are no eye-witness to the said incident and the prosecution case rests on circumstantial evidence. *Prima facie*, there appears to be some discrepancy with regard to the timings as to when the incident has taken place. There also appears to be inconsistencies in the statements of witnesses recorded by the Haveli Police Station and the Crime Branch. Investigation is complete and charge-sheet is filed.

8. Considering the same, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Office of the Crime Branch, Pune Rural, on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. for a period of 12 months from the date of his release and

thereafter, on the first Saturday of every alternate month from 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;

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

(iv) The applicant shall inform his latest place of residence and mobile contact number within one week of his release and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.
10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.