

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1904 OF 2015**

Sagar Maruti Dhotre	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vikas B. Shivarkar for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

Mr. Prashant Hagare for the Original Complainant

CORAM : REVATI MOHITE DERE, J.
MONDAY, 25th APRIL, 2016

P.C. :

1. Heard learned 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. 97 of 2015 registered with the Indapur Police Station, Pune, for the alleged offences punishable under Sections 302, 307, 143, 147, 148, 149, 212, 120-B of the Indian Penal Code and under Section 4(25) of the Arms Act.

3. According to the prosecution, the applicant alongwith other co-accused had hatched a conspiracy to murder Dhananjay Washimbekar. It is alleged that on 23rd April, 2015 at about 12:30 p.m. co-accused Ankush Chavan, Deepak Salunkhe, Nagesh Gaikwad, Rahul Lambate and 3 to 4 unknown persons assaulted Dhananjay Washimbekar with sickles (koyta) and caused his death. The first informant is one Mahavir Londhe.

4. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that although there are nine eye-witnesses in the present case, admittedly, the applicant is neither the assailant nor is he alleged to have been present on the spot, at the time of the incident. He submitted that Ramesh Shinde and Vitthal Mahadik have alleged that they had seen all the accused, including the present applicant at Dongrai Hotel at Pune on 21st March, 2015 at about 1:30 p.m, where they were having lunch and that they overheard the present applicant telling the other co-accused that they should avenge the death of Sonya, who was murdered by Dhananjay Washimbekar. It is alleged that the applicant asked the co-accused to murder Dhananjay and also told them that he was ready to help them

financially. It is further alleged that the co-accused Dattatraya JJadhav (who has been enlarged on bail by this Court) also asked the co-accused to murder Dhananjay Washimbekar and that he too was ready to help them in every way.

5. Learned Counsel for the applicant submitted that the said statements of Ramesh Shinde and Vitthal Mahadik were recorded on 2nd April, 2015 and in the said statements, there is a reference to the alleged conspiracy, which had taken place 2 days prior to the incident. He submits that co-accused DattatrayJadhav has been enlarged on bail by this Court vide order dated 5th January, 2016 passed in Bail Application No. 1998 of 2015.

6. Learned A.P.P opposed the bail application. He submitted that the statement of Ramesh Shinde and Vitthal Mahadik clearly reveals that the applicant alongwith other co-accused had hatched a conspiracy, to commit the murder of Dhananjay Washimbekar. He relied on a bank slip dated 24th March, 2015, which is on page 325 of the application to show that an amount of Rs. 10,000/- was deposited by the present applicant in

the account of co-accused Ravi Bhise. He submitted that the signature on the said slip is that of the applicant.

7. Learned Counsel for the applicant disputes the signature on the said slip. He submits that the signature on the said slip is different from the admitted signature of the applicant.

8. Perused the charge-sheet. Admittedly, the applicant was not present on the spot at the time of the incident, nor is he an assailant. None of the eye-witnesses have named the present applicant. The statements of witnesses, Ramesh Shinde and Vitthal Mahadik, who allegedly heard the conspiracy which was hatched on 21st March, 2015, came to be recorded on 2nd April, 2015. It appears that the said witnesses had seen the present applicant and other co-accused in Dongrai Hotel and had heard the conversation between the said persons i.e. they wanted to get rid of Dhananjay. There is no recovery at the instance of the applicant. As far as deposit of Rs. 10,000/- in the account of Ravi Bhise on 25th March, 2015, whether or not the signature is of the applicant, is a matter which will be decided by the Trial Court. Co-accused Dattatraya Jadhav, who is alleged

to have played a similar role has been enlarged on bail by this Court. There are no antecedents *qua* the applicant. Investigation is complete and charge-sheet is filed. Considering the aforesaid, 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. 1,00,000/- with one or more local sureties in the like amount;
- (ii) The applicant shall report to the concerned Police Station on the first and third Saturday of every month from 10:00 a.m. to 11:00 a.m initially for a period of 12 months and thereafter, on the first Saturday of every month from 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicant shall not leave Pune District, without the permission of the trial Court;

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

(v) 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;

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

(vii) The applicant to file an undertaking with regard clause Nos. (ii) to (vi), in the trial Court, within one week of his release;

(viii) 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.

10. The Application is allowed in the aforesaid terms and is accordingly disposed of.

11. 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.

12. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.