

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 527 of 2017

Vinayak alias Choch Chandrakant ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Ajit Savagave for the applicant.
Mr. R. M. Pethe, APP for the respondent-State.
API V. L. Kadam, Kalwa Police Station present.

CORAM : PRAKASH D. NAIK, J.
DATE : 23 JUNE 2017

P.C. :

1. The applicant is seeking bail in connection with C.R. No.362 of 2015 registered with Kalwa Police Station, Thane for the offences punishable under sections 302, 364, 367, 201 read with 34 of IPC. The applicant was arrested on 29 September, 2015 and since then he is in custody.

2. The prosecution case is that there was a previous enmity between accused no.1 and the deceased. The accused abducted the deceased and subsequently he was murdered.

3. Learned advocate for the applicant submitted that the

applicant was arrested on 29 September, 2015. He has not played any role in commission of crime. He further submitted that taking the prosecution case as it is, the role that is attributed to the applicant is for commission of an offence punishable under section 201 of IPC. He further submitted that the co-accused having similar place has been granted bail vide order dated 6 December, 2016 passed in bail application no.1677 of 2016.

4. Deceased was the brother of the complainant and was also friend of Raju Kutade. The said Raju Kutade had lodged a complaint against accused no.1. i.e. Kunal Desale and accused no.2 Ankit Bhandis in which the deceased had allegedly held Raju.

5. It is the prosecution case that the accused no.1 and 2 had murdered the deceased and try to destroy the dead body on the hill top by carrying the dead body on motorcycle belonging to accused no.3 and the same was buried on the said hill. The accused also destroyed the clothes of the deceased. It is the case of the prosecution that the applicant is a person who has assisted the main accused in destroying the evidence. This Court in the order reported herein above had granted bail to accused no.3 and 4 on the ground that the role attributed from the chargesheet to the said accused is

that they have helped the other accused in destroying the evidence and that the main accused claimed to have committed offence of murder. It is further observed that in the eventuality, if the section 201 of IPC is considered, the maximum punishment would be awarded to the accused is of seven years. There are no criminal antecedents against the applicant. There is no dispute by the prosecution with reference to the role played by the applicant in the present case.

6. Considering the fact that the co-accused have been granted bail, the applicant is entitled on parity, hence the application can be allowed.

7. Hence, I pass the following order;

:: ORDER ::

1. The applicant is directed to be released on bail in connection with C.R. No.362 of 2015 registered with Kalwa Police station, Thane on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only.) with one or more surety in the like amount.

2. The applicant is directed to attend investigating officer as and when called for.
3. The applicant shall not tamper with evidence and / or influence the witnesses in any manner whatsoever.
4. Application stands disposed of.

[PRAKASH D. NAIK, J.]