

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.543 OF 2017

Sachin Chandrakant Pawar Applicant

VS

State of Maharashtra .. Respondent

Mr.Abhishek Yende for Applicant
Mr.S.S.Hulke Additional Public Prosecutor
for State-Respondent

CORAM : T.V.NALAWADE, J

DATE: 31 AUGUST 2017

P.C.

1. The Application is filed for bail in C.R.No.214 of 2015 registered in Karad Tahsil Police station District Satara for offences punishable under sections 302, 363,364,201 and 34 of IPC.

2. The charge sheet is filed for the aforesaid offences and so the papers of investigation were available for perusal.

3. The deceased-Vijaysingh who was also called as 'Adik Patil' was the real brother of the first Informant Vaibhav. The deceased was plying taxi and he was having Tata Magic Taxi

No.MH-10-K-947. There was some dispute between Adik Patil and the accused persons as accused persons were feeling that the deceased was interfering with their business by not following the procedure of collecting passengers. The main accused-Tanaji Patil is having taxis and he has employed some drivers on his taxis.

4. The incident in question took place on the night between 28.11.2015 and 19.11.2015. On that day, the deceased left the residential place after informing Vaibhav that he was proceeding to do business and he intended to take passengers from Karad to Vita. He was expected to return before midnight. He did not return and so at about 4 a.m. Vaibhav tried to contact the deceased on his mobile. The deceased did not pick up the mobile. After that some search was made and then Vaibhav gave a missing report. The dead body was traced on 3.12.2015 in a creek.

5. During course of investigation, Tanaji Patil, the present Applicant and other associates of Tanaji Patil came to be

arrested.

6. The material collected shows that the present Applicant, Tanaji Patil and other accused had hatched a conspiracy and on 28.11.2015 they took decision to finish Vijay Singh. As per plan, Vijay Singh was to be given passengers and then with his vehicle Vijay Singh was to be taken to the place fixed by them where he was to be finished. It is situated in ghat portion. On that night accordingly, the present Applicant remained in the company of the deceased and he travelled through out with the deceased in the vehicle of the deceased. After dropping the passengers, they together took dinner and from there the Applicant took the deceased towards Naghas ghat the way to return to their place of residence and in ghat portion, the present Applicant and other accused finished him by using weapons like iron bars, tommy. During the course of investigation, present Applicant in his statement under section 27 of the Evidence Act showed the places to the police which included the place where the vehicle was taken, the place where the assault was made and the place where vehicle of the

deceased was kept by them. The vehicle is recovered by the police and statement of the witness like waiter are recorded. Thus, there is material like ' last seen ' against the Applicant, there is material collected on the basis of statement given by the present Applicant under section 27 of the Evidence Act and there is other material like the CDR record showing the location of the present Applicant at the places where the deceased had taken the vehicle and where the murder was committed.

7. It is a brutal murder committed out of petty business rivalry. The Applicant hails from Virar (West) Mumbai and it can be said that only for the aforesaid purpose, to finish Vijay Singh he had gone to Karad. Weapons used in the incident are recovered and the waiter who had seen the deceased last in the company of the present Applicant has identified the present Applicant in the Test identification parade.

8. The material collected is on motive and there will be more circumstantial evidence to make out the offence of murder, kidnapping and destruction of evidence of offence.

9. Contention of the learned counsel for the Applicant that injuries could have been caused in accident cannot be accepted in view of the material available and also the nature of injuries found on the dead body. It is a cold-blooded murder and it was pre-planned. There will be danger to the lives of witnesses who are poor if bail is granted to the Applicant.

10. In the result, Application stands rejected.

(T.V.NALAWADE, J)

