

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

BAIL APPLICATION NO.915 OF 2016

Vaibhav Ramesh Mane

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Niteen Pradhan, Senior Advocate i/b Shubhada D. Khot and
Ms.Ameeta Kuttikrishnan for the Applicant

Mr.S.S. Hulke, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 14, 2017

P.C. :

1. This application is moved for bail as the applicant/accused is prosecuted for the offences punishable under sections 302, 392, 120B, 201 of the Indian Penal Code and under sections 3 and 25 of the Arms Act and also under sections 3(1)(i)(ii), 3(2), 3(4), 3(5) of Maharashtra Control of Organised Crime Act, in C.R. No.196 of 2014 registered with Karad City Police Station, which is now committed as a Special Case No.MCOC No.14 of 2014 of Karad. It is the case of the prosecution that the applicant/accused Vaibhav

Mane got married with one Pranali on 11.5.2012. His wife was having an affair with the deceased Mayur Gore, prior to their marriage, when they were studying in college. However, that affair was known to many persons. However, since they belonged to different castes, they decided to withdraw from their relationship. Thereafter, she got married with Vaibhav Mane, the applicant/accused. However, the applicant/accused was suspicious about Mayur and also his wife and he also could not digest the fact of previous affair of his wife and, therefore, he used to threaten the deceased Mayur on this count. He contacted one Deepak Patil, the co-accused, who was released on bail in some other case. The applicant/accused gave him contract to kill the deceased Mayur and as per the plan, on 9.6.2014, when Mayur alongwith his cousin Siddharth @ Manoj Pawar, was proceeding to Jakhimwadi, near Karad, for his business of collection of pigmy accounts, at that time, his two friends contacted him and told that they also wanted to go to Jakhimwadi. At that time, when Mayur stopped his motor cycle, those two persons stopped the vehicle and the other two persons came on the motor cycle. They asked him whether he is the same Mayur or not and then one accused assaulted Mayur with sickle on his head and the other one took out

a pistol. The complainant started running and he heard the bullet shots. Thereafter, he contacted the police and then he found that the body of Mayur was in a pool of blood. Thereafter, his statement was recorded on the same day, i.e., on 9.6.2014 and the offence of murder was registered. The police after arresting the co-accused Deepak Patil and others, obtained sanction and applied MCOC Act against the applicant/accused and other accused. The applicant/accused was arrested on 13.6.2014 and hence, this Bail Application.

2. The learned Counsel for the applicant/accused has submitted that the applicant/accused was not present at the time of the incident and he is apprehended in this case due to suspicion. He submitted that the applicant/accused and the principal accused Deepak Patil were having some business of sand and, therefore, there was money transaction between two accused. He submitted that there is no nexus between the actual incident of murder and the applicant/accused. There are no strong circumstances against the applicant/accused to involve him in the case. He further submitted that the applicant/accused does not have criminal record. He is acquitted from the cases for which he

was prosecuted earlier. He further submitted that he cannot be implicated under MCOC Act and thus, the bar under section 21 of the MCOC Act will not come in his way.

3. Learned Prosecutor has opposed the application. He relied on the affidavit of the Investigating Officer Rajlakshmi Satish Shivankar dated 4.8.2016. He submitted that there was motive behind the murder of Mayur Gore. The applicant/accused was holding grudge against the deceased due to his affair with the wife of the applicant/accused. The learned Prosecutor further submitted that there are witnesses, i.e., the hotel owner and Manager of Amrai Garden, who had overheard the talk between the applicant/accused and the co-accused Deepak Patil and Abhijeet Patil in respect of previous affair of the wife of the applicant/accused with the deceased. He relied on the statements of the bank witness who has stated about the withdrawal of money by the applicant/accused. He further submitted that there is a confession under section 18 of the MCOC Act of the co-accused Abhijit Vibhute. He submitted that it is a serious case of murder and hence, the bail should not be granted.

4. Perused the FIR, the statements of the witnesses which are pointed out by the learned Counsel for the applicant and the learned Prosecutor. The statement of the mother of the deceased discloses the motive behind the murder of Mayur. The applicant/accused was having animus against the deceased. It appears that there were threats of life given by the applicant/accused to the deceased Mayur. The other statements and the statement of the owner and manager of Amrai garden and the other witnesses, *prima facie* disclose that the said hotel was the regular spot of eating for the applicant/accused and the co-accused where there was an open talk by them and have conspired to eliminate the deceased. In the confessional statement of Abhijeet, it appears that he has confirmed the handing of money to the accused Deepak Patil, who has actually assaulted and killed Mayur on 9.6.2014. Money was paid on the same day. The bank employees also confirmed this transaction. It appears from the record that Rs.2,80,000/- was paid to Deepak Patil by the applicant/accused. Thus, it shows that *prima facie*, there is a circumstantial evidence against the applicant/accused. It is the case of contract killing. It is a pre-meditated murder.

5. Considering the circumstances, bail cannot be granted.
Hence, the Bail Application is rejected.

(MRIDULA BHATKAR, J.)