

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

BAIL APPLICATION NO.2213 OF 2016

Vishal Sopan Vatre

.... Applicant

versus

State of Maharashtra

... Respondent

Mr.A.P. Mundargi, Senior Advocate i/b. Rupesh a. Zade, Advocate
for the Applicant.

Mr.S.H. Yadav, APP for the State/Respondent.

PI – Mr.S. Chavan (Yewat Police Station, Pune Station).

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 08th FEBRUARY, 2017.**

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused alongwith co-accused is prosecuted for the offence punishable under section 302, 307 r/w 34 of the Indian Penal Code in C.R.No.158/16 of Yewat Police Station. The offence is registered at the instance of one Amol Jayaram Barate, i.e. cousin of deceased Sheetal Ramesh Barate and nephew of deceased Ramesh Tukram Barate.

2. It is the case of prosecution that deceased Ramesh Barate had two daughters namely Sadhana and Sheetal. Sadhana was married with the applicant/accused Vishal Sopan Vatre. The deceased Sheetal was taking education in medical college in 2016. The applicant/accused was interested in his sister-in-law i.e. deceased Sheetal and she has disclosed his desire to marry her. The applicant/accused also wanted to grab the property of his father-in-law i.e. deceased Ramesh Barate and therefore he wanted to marry Sheetal. On 22/03/2016 deceased Ramesh and Sheetal both had visited Masnarwadi, where the applicant/accused was residing with his wife Sadhana. The deceased father and sister met Sadhana and her husband i.e. applicant/accused and thereafter in the afternoon both of them proceeded to Bamburdi on motorcycle. On the way both of them were assaulted near one Gunjlai Mata Mandir. They had neck and head injuries. Sheetal died on the spot and Ramesh was injured and was shifted to hospital. While taking treatment he was succumbed to the injuries. Thereafter the

complainant approached the police and offence was registered at C.R.No.158/16 with Yewat Police Station. The applicant/accused was arrested on 24/03/2016. He is in prison since then. Hence this bail application.

3. The learned senior counsel for the applicant/accused is innocent. He has not committed any offence. There is no evidence against the applicant/accused. He further pointed out that there are statements of the wife of deceased Ramesh, wife of applicant/accused and one Vikas Avinash Malshikare on the point of motive. There is also statement of Satish Takavale and Pralhad who have stated that they have seen the deceased persons on motorcycle and two persons following the deceased on motorcycle and one other person following them on another motorcycle.

4. The learned counsel further submitted that there is no evidence against the applicant/accused. There is no nexus between the other two accused and the applicant/accused, who

actually as per the case of prosecution assaulted the deceased at the instance of applicant/accused. The learned counsel further submitted that one of the accused Jaydeep Jayram Chavan, who has assaulted and killed the deceased, is granted bail on 09/08/2016 by the Additional Sessions Judge, Baramati. The learned counsel further submitted that there is no evidence against the applicant/accused except the statements. Therefore the applicant/accused be granted bail.

5. The learned prosecutor opposed the bail application. The learned prosecutor has relied on the statement of witnesses. He submitted that police have recovered a sickle from co-accused Kerba Mergal and the statement of witnesses disclose that the applicant/accused was interested in the property of his father-in-law Ramesh Barate and therefore he planned to marry with Sheetal. The learned prosecutor heavily relied on the statement of Sadhana, the wife of the applicant/accused and daughter of deceased Ramesh, wherein she has mentioned that on 22/03/2016 when the deceased proceeded to go to their

home at Bamburdi, immediately thereafter the applicant/accused left the house on motorcycle and at that time he was wearing yellow colour T Shirt. The learned prosecutor recorded statement of Pralhad and Satish Takavale, who have stated that on that day in between 04.00 to 04.45 p.m. these two witnesses have seen the deceased on the motorcycle and thereafter two persons followed them on motorcycle and after sometime one person wearing yellow colour T shirt followed them on motorcycle. He further relied on the call details of the cell phone of the applicant/accused, where the police have collected evidence of same and found that the applicant/accused at the time of murder was continuously in touch with the co-accused Jaydeep and Vishal. The learned prosecutor submitted that under such circumstances bail cannot be granted.

6. Perused FIR and considered the statements. So also the submissions made by learned senior counsel and the learned prosecutor. It is a double murder case. Statements of witnesses prima facie disclose that there was a strong motive for the

applicant/accused to commit murders. The statement of Sadhana discloses that on the day of incident, till 03.35 p.m. the deceased Ramesh and Sheetal were with her and within an hour the deceased were assaulted and killed. As soon as they left to go to their village, the applicant/accused met the accused Nos.2 and 3, who as per the case of prosecution, were given contract to kill them. She has stated that the applicant/accused was in yellow colour T shirt and statement of other persons i.e. Satish Takavale and Pralhad disclose that they have seen a person wearing yellow colour T Shirt on the motorcycle. Under such circumstances, prima facie there is nexus in the offence and the applicant/accused. Hence application is rejected.

(MRIDULA BHATKAR, J.)