

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 81 OF 2018**

Rahul Gulab Walhekar. ..Applicant.

V/s.

The State of Maharashtra. ..Respondent.

Mr. Aniket U. Nikam I/b. Mr. Aashish Satpute, advocate for applicant.

Mr. S.H. Yadav, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 27, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicant herein is charge-sheeted in crime No. 69 of 2017 registered at Rajgad Police Station, Pune for offence punishable under section 302, 143, 147 of the Indian Penal Code.

3 It is the case of the prosecution that on 30/4/2017 Prashant Badade lodged a report at the police alleging therein that he is working as security guard at Sheul Petrol Pump. Vinod Lade and Yuvraj Bhilare

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were also working as alternate security guard. Yuvraj Bhilare happens to be his maternal cousin. It is alleged that 6 months prior to the incident, Yuvraj had some altercation with Pravin @ Bablu Satyawar More as Pravin More had assaulted Mahesh Patne. At that stage, Pravin had threatened him of dire consequences and the first informant knew about it.

4 It is alleged that on 30/4/2017 in the midnight at about 2.23 a.m. the watchman of the petrol pump Shridhar Pawar called the first informant and asked him to come to the petrol pump immediately, as there was ruckus. He rushed to the petrol pump and saw that his maternal cousin was lying in a pool of blood. Upon enquiry, he learnt that Babloo @ Pravin More had been to the petrol pump alongwith his four unknown associates and had assaulted him with sword and sickle. Yuvraj was rushed to the hospital and was declared dead on admission. According to the first informant, Pravin @ Babloo More alongwith his four associates had caused homicidal death of Yuvraj.

5 In the course of investigation, Investigating Officer had recorded statement of one Akshay Walhekar and he had disclosed that the description of the boys who were assailants matches with the associates of the present applicant and that he was always moving in

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their company. He was referred as one Ziprya i.e. people with long and muffled hair. According to the witness, there was quarrel between Rahul Walhekar and Yuvraj Bhilare. That one Vijay Gole used to visited his house quite often. That Pravin had informed present applicant that he was assaulted by Yuvraj in the village and that has caused him humiliation. It was also causing chest pain to him. That Yuvraj and Datta Tekale were also working as recovery agents. The witness was also a recovery agent at Nasarapur. That according to the prosecution, present applicant in order to satisfy his personal vendetta had caused homicidal death of Yuvraj. The assailants who were arrested have criminal antecedents. Most of the witnesses have stated that the applicant had strong motive to eliminate Yuvraj and the boys who are arrested are always in the company of the present applicant.

6 Learned Counsel for the applicant submits that there is no material on record to connect the present applicant with the homicidal death of Yuvraj since he was neither present at the scene of offence nor was seen in the vicinity soonafter the incident.

7 Learned APP submits that two days prior to the incident the present applicant had questioned Yuvraj as to why he had insulted and assaulted his relative Pravin More and had warned him of dire

consequences. The learned APP submits that the applicant has criminal antecedents, in as much as he is charge-sheeted for offence punishable under section 307, 140, 147, 148 of the Indian Penal Code in Crime No. 115/14 registered at Rajgad Police Station.

8 Learned Counsel for the applicant submits that test identification parade is not conducted to verify as to whether Jiprya who was always in the company of the present applicant was involved in the present case.

9 Learned APP submits that the call detail records would show that the present applicant was in contact with the assailants at the relevant time.

10 In view of the incriminating material collected in the course of investigation and more particularly, criminal antecedents the applicant does not deserve to be enlarged on bail. The application being sands merits stands rejected. The learned Sessions Court shall not be influenced by the aforesaid observation at the time of trial.

[SMT. SADHANA S. JADHAV, J.]

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