

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

BAIL APPLICATION NO. 2054 OF 2019

Vinayak Shankar Chougule ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Aniket Nikam a/w Mr. Ashish Satpute a/w Amit Icham i/b Vivek Arote, Advocate for the Applicant.

Smt. A. A. Takalkar, APP for the State-Respondent.

Mr. P. S. Kadam, P.N. Sawantwadi Police Station, Sindhudurg,
Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th December, 2019

PC :

1. This is an application for bail in connection with C.R. No. 183 of 2018 registered with Sawantwadi Police Station, Sawantwadi, Dist.Sindhudurg for offences punishable under Sections 302, 394, 396, 201, 120(B), 411 & 404 of Indian Penal Code ("IPC" for short).
2. It is the case of the prosecution that on 12th August, 2018, the complainants vehicle was loaded for transport at Dharwad. Both driver and cleaner were present. They proceeded towards Dharwad. They arrived at Jawahar Sugar Factory, Hupri. On 14th October, 2018, driver left for Belgaum leaving behind the truck with cleaner Rajnikant Mane at Jawahar Sugar Factory, Hupri. On 15th December,

2018 upon calling the cleaner Rajnikant Mane complainant came to know that the vehicle was loaded with sugar bags weighing around 25 tons and the consignment was scheduled to be transported to Kerala. On 16th October, 2018 complainant tried to know the whereabouts of the cleaner by calling him on phone. On 17th October, 2018 complainant received call from Amboli Police Station informing him that the truck bearing No. KA 22 B-8526 is found with a dead body in it and sugar bags were missing. The investigation was conducted and charge-sheet is filed. The applicant was arrested on 25th October, 2018.

3. The case of the prosecution is that accused Nos.1 to 6 conspired with accused No. 7 & 8 and murdered Rajnikant Mane. The stolen sugar was sold to accused No.7 & 8. It is alleged that sugar was sold to the applicant and the same was being kept in his godown through accused No.8. There are calls interse between accused No.8 and accused No.7 and not between accused No.8 The applicant is conspirator.

4. Learned counsel for the applicant submitted that there is no evidence to substantiate that the applicant was conspirator in the crime. He is not involved in committing robbery and murder. There is no recovery from him. There are no calls between applicant and

accused No.1. The alleged role attributed to applicant will not attract Section 302, 394, 396, 201, 120(B) of IPC. At the most the applicant can be protected as received of stolen property.

5. Learned APP submitted that prior to the incident, during incident and after offence there were calls between applicant and prime-accused. C.C.T.V. footage shows that the stolen sugar is unloaded in the premises of applicant. Thus, it can be inferred that there was conspiracy between the applicant and the other accused.

6. In the absence of cogent evidence, it is difficult to accept that applicant is party to conspiracy to commit robbery and murder. At the most, the applicant attributed with charge under Section 411 which has been invoked while filing of charge-sheet. It is contended that there are no calls between applicant and accused No.1, who is involved in the robbery and murder. Assuming there are calls between accused no inference can be drawn that applicant had conspired to commit robbery and murder. It is contended that there were calls between applicant and accused No.8. Investigation is completed and charge-sheet is filed. There are no criminal antecedents against the applicant. Hence, case for grant of bail is made out.

ORDER

- i) Bail Application No. 2054 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 183 of 2018 registered with Sawantwadi Police Station, Sawantwadi, Sindhudurg, on furnishing P. R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 10.00 a.m. to 12.00 noon till further order.
- iv) The Applicant shall furnish the details of his residence to the Investigating Officer after he is released on bail.
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)