

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 18 OF 2018
IN
CRIMINAL APPEAL NO. 1100 OF 2013

Pravin Dayanand Shetty ... Applicant
Versus

The State of Maharashtra ... Respondent

Mr. Rajiv Patil, Sr. counsel i/by Adv. Santosh Musale for the appellant.

Mr.H.J. Dedhia, APP for the respondent State.

CORAM : B.P. DHARMADHIKARI &
MRS.SWAPNA JOSHI, JJ.
DATE : JULY 11, 2019

P.C.:

Heard respective counsel at length.

2. We have also perused the facts on record. PW 62 and PW 77 Anthony state that immediately after the accident, the applicant was taken by them to Doctor where first aid was given to him. They refused to admit him though doctor advised accordingly.

3. The CDR records on mobiles with the present applicant with accused no. 3 Harish Mandavkar and accused no. 5 Kiran Amle show that there was constant contact between the parties from the morning till the time when the dumper driven by the present

applicant dashed against Scorpio car occupied by the victim of the offence along with other deceased persons. The said record also brings on record the fact that accused nos. 3 and accused no. 5 were following the Scorpio after it left Alibag Court and giving instructions on mobile number of the present applicant. The applicant, according to prosecution, at that time was driving the dumper and he was approaching the Scorpio from the opposite direction.

4. The spot panchanma shows no sign of any brake marks or skidding and the dumper and the Scorpio are seen in the adjacent field beyond the road. All the occupants in the Scorpio were killed. The applicant who got injured, ran away and went to the hotel nearby from where again he made some phone calls. This material on record prima facie shows involvement of the applicant in the crime.

5. The contention of the learned counsel for the applicant that the other so called conspirators like accused no. 3 has been released on bail by this Court, therefore, has got no relevance. Here the material on record shows the actual role played in the operation by the applicant. We therefore, reject his bail application.

(MRS.SWAPNA JOSHI, J.)

(B.P. DHARMADHIKARI, J.)