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

BAIL APPLICATION NO.858 OF 2019

Vikas @ Vicky Jitendra Chavada	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Aniket U. Nikam, Advocate for the Applicant.

Mrs.A.A. Takalkar , APP for Respondent – State.

Mr.D.K. Jakhade, PSI, Crime Branch, Pune, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 18, 2019.

P.C. :

The Applicant is seeking bail in connection with C.R.No.404 of 2018, registered with Sinhadgad Road Police Station, Pune, for the offences punishable under Sections 302, 201, 143, 147, 148, 149, 364, 343, 323, 504 and 506(2) of Indian Penal Code (“IPC”, for short).

2 The prosecution case is that the alleged incident had occurred in the year 2014 wherein the deceased Vinayak Chavan was killed by the accused and the body was buried. The motive for

committing the crime is that prime accused Manoj Padle was suspecting that the deceased was parting information about him to the rival gang. It is alleged that on secret information, it was revealed that the accused have committed said crime. The investigation proceeded and the statement of three alleged eye witnesses were recorded. On completing investigation, charge - sheet is filed.

3 Learned Counsel for the Applicant submitted that the prosecution case is false. The investigation was conducted after period of four years. Statements of eye witnesses were recorded after four years. It is difficult to believe their version at this stage. They had no reason to refrain from giving information to the police after the alleged incident had occurred in 2014. It is further submitted that the eye witnesses do not attribute any specific overact to the Applicant. The Applicant was not attributed the role of having assaulted by any weapons. There are contradictions in the version of two witnesses Pratik Mohol and Satpal Bansode. There is no corroborative evidence to justify the involvement of the Applicant in the crime.

4 Learned APP submitted that the statements of eye witnesses were recorded attributing role to all accused. The main accused Manoj Padle was suspecting that the deceased was providing

information to the rival gang and on that count all the accused had assaulted the deceased and buried his body. The accused has used knife for committing the murder. It is alleged that the statements of witnesses were recorded under Section 164 of Cr.P.C., which is in consonance with the statements under Section 161 of Cr.P.C. They have also assigned reasons for delay in recording the statements.

5 On perusal of the charge - sheet, it is apparent that the deceased was found missing in the year 2014. He had left his house for some reason. He allegedly got acquainted with the accused. It is alleged that in 2014, he was murdered. It is difficult to believe that for a period of four years, there was no complaint by any of the four witnesses. Assuming the version of the witnesses to be true, the Applicant has not been attribute with any overt-act of having assaulted by weapon. The role of using weapon was assigned to other accused. It is also pointed out by learned APP that there were cases pending against the Applicant. Learned Counsel for the Applicant submitted that the Applicant is on bail in those cases. The investigation had commenced after the period of four years. The prosecution could not collect any corroborative evidence. In the circumstances, case for grant of bail is made out.

6 Hence, I pass the following order:

:: O R D E R ::

- (i) Bail Application No.858 of 2019, is allowed;
- (ii) The Applicant is directed to be released on bail in connection with C.R.No.404 of 2018, registered with Sinhagad Road Police Station, Pune, on his executing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- (iii) The Applicant shall stay out of the jurisdiction of Sinhagad Road Police Station, Pune, and shall report the Police Station where he would be residing on first Saturday of the month between 10:00 a.m. to 12:00 noon, till conclusion of the trial;
- (iv) Applicant shall furnish the details about his residence to the Investigating Officer, after he releases on bail and he shall attend the trial Court regularly, unless directed by this Court;
- (v) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)