

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

CRIMINAL BAIL APPLICATION NO.993 OF 2019

Chakuli Suraj @ Pappu Ovol Applicant

versus

The State of Maharashtra Respondent

**WITH
CRIMINAL APPLICATION NO.1025 OF 2019
IN
CRIMINAL BAIL APPLICATION NO.993 OF 2019**

Manisha Hanumant Thorat ... Intervener

IN THE MATTER BETWEEN :

Chakuli Suraj @ Pappu Ovol Applicant

versus

The State of Maharashtra Respondent

.....

- Mr.Shaikh Mohammed Jameer Kalinder and Vaibhav R. Gargade, Advocate for Applicant.
- Mr.Avinash N. Naikwadi a/w Ms.Swati M. Jadhav, Advocate for Intervener.
- Ms.S.S. Kaushik, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 07th OCTOBER, 2019**

P.C. :

1. The Applicant is seeking her release on bail in connection with C.R.No.845/18 registered with Yawat Police Station, Pune. Initially offence was registered under section 361 r/ w 34 of the Indian Penal Code. Subsequently, sections 302, 201, 120(B), 364(A), 365 r/w 34 of the Indian Penal Code and section 3 r/w 25 of the Indian Arms Act were added.
2. The Applicant was arrested on 15/09/2018 and since then she is in custody. The Applicant is the wife of main accused Suraj @ Pappu Ovol.
3. The prosecution case is that on 05/09/2018 the deceased Hanumant Nivrutti Thorat was abducted by the accused by tying his hands and legs. He was kept in the dickey of his own car. On the way, the accused demanded ransom money of Rs.2 lakhs from one Iqbal. Thereafter the deceased was murdered by throttling. Body was found much later on 15/09/2018 by which time it was highly decomposed. Therefore in the post-mortem notes, the opinion could not be given.

4. The FIR was lodged by Abaso Nivrutti Thorat, brother of the deceased Hanumant. He has stated that the Applicant's husband Suraj was working as a driver on his JCB machine, but there was dispute about his salary. Therefore Suraj had left his job. Since then he was holding grudge against the deceased Hanumant. On September 2018 the deceased had gone to the house of the Applicant and since then he did not return. Therefore on suspicion the informant lodged his FIR.
5. The investigation was carried out and the charge-sheet was filed.
6. Heard learned Counsel Mr.Shaikh Mohammed Jameer Kalinder for the Applicant, learned Counsel Mr.Avinash N. Naikwadi for the Intervener and learned APP Ms.S.S. Kaushik for the State.
7. Learned Counsel for the Applicant submitted that there

is absolutely no material against the Applicant connecting her with the alleged offence.

8. Learned APP opposed this application and relied on the statements of witnesses showing conspiracy.

9. I have considered these statements. The prosecution case is that the Applicant kept watch on the house when the other accused were tying hands and legs of the deceased. Thereafter the deceased was kept in the car and was taken away. Ransom amount was collected on the way and after that they committed murder of the deceased. However, nobody has seen this incident. To establish conspiracy the investigation agency has recorded statement of one Amol Arun Kale. He has stated that on 04/09/2018 he was called by the Applicant's husband to his house and in presence of the Applicant, the main accused Pappu @ Suraj i.e. the Applicant's husband, told this witness that they had planned to commit murder of one person and offered money to this witness. However, the witness got scared

and left the place. The prosecution wants to rely on this circumstance for establishing conspiracy. Apart from that, there is alleged recovery effected at the instance of the present Applicant. On 17/09/2018 the Applicant allegedly led the police and Panchas to the house of her in-laws and produced Rs.36,000/- and a mobile phone. According to the prosecution case, the mobile phone was her own and the money which she has produced was a part of the share which her husband had received, after obtaining ransom amount. Apart from these two circumstances, there is absolutely no material connecting the Applicant with the alleged offence.

10. As far as the evidence of hatching conspiracy is concerned, the statement of witness Amol Kale was recorded on 22/09/2018 after the arrest of the Applicant on 15/09/2019. It is not recorded immediately. The Applicant was arrested merely on suspicion. The evidentiary value of his evidence will have to be decided at the trial. However, at this stage, his evidence seems rather weak against the Applicant.

11. The recovery of amount of Rs.36,000/- also is not incriminating. It is not unusual to find such cash in the house and in any case there is a possibility that her husband could have given her that cash amount after collecting the ransom. However, that by itself does not mean that the Applicant was a party to the planning and execution of the conspiracy of commission of murder.

12. Thus, at this stage, the evidence against the Applicant is very weak. She is a woman and she is in custody for period of more than one year. Therefore, I am inclined to grant bail to the Applicant. The trial Court shall not be influenced by any of these observations and shall decide the trial on merits. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R.No.845/18 registered

with Yawat Police Station, Pune, on her furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) Application stands disposed of accordingly. The application for intervention also stands disposed of as such.

(SARANG V. KOTWAL, J.)