

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 2965 OF 2018**

Sohil Aziz Dodhiya

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. A.H. Ponda I/by Mr. Ashish Raghuvanshi for the Applicant.

Mr. Raja Thakare, Special P.P. a/w Smt. Rutuja Ambekar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 22nd MARCH, 2019.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 20 of 2018 dated 7th January, 2018 registered with Samata Nagar Police Station under Sections 302, 120(B), 216, 201 read with Section 34 of the Indian Penal Code and under Sections 37(1)(a), 135 of Mumbai Police Act and Sections 4, 25 of the Indian Arms Act, now culminated into Sessions Case No. 142 of 2018 pending on the file of Additional Sessions Judge, Dindoshi Goregaon, Mumbai.

2 Heard Mr. Ponda, the learned counsel for the Applicant, Shri Thakare, the learned Special Public Prosecutor for the State.

Perused the charge sheet.

3 It is the prosecution case that the Applicant in conspiracy with other accused namely Jagdish @ Jaggya Shivram Pawar, Abhishek @ Abhir @ Abi @ Blacky Sudam Mane, Rushikesh Eknath Bhosale (Juvenile in conflict with law) and Ganesh Jogdand @ Pintya committed murder of Shri Ashok Sawant on 7th January, 2018 at about 10.30 p.m. During the course of investigation, the Applicant came to be arrested on 8th January, 2018 and after completion of investigation, police have submitted charge sheet.

4 The role attributed to the Applicant in the present crime is that he arranged an Auto-Rickshaw bearing No. MH-02 RA-2181 which was driven by Ganesh Jogdand @ Pintya from which the co-accused travelled at the time of commission of offence and assaulted the deceased. This is the main role attributed to the Applicant in the present crime.

Apart from the said fact, the prosecution has relied upon the CDR records of the mobile phones between the Applicant and the co-accused Ganesh Jogdand @ Pintya showing that they were in constant touch with each other prior to and subsequent to the commission of offence. These are the circumstances which are

propounded by the prosecution against the Applicant.

5 The law pertaining to the conversation between two persons who are well acquainted with each other is well settled by the decisions of the Hon'ble Supreme Court. Therefore, the only circumstance which remains in field against the Applicant at this stage is that he arranged an auto-rickshaw from which the co-accused travelled at the time of commission of offence.

6 In view of the above, the Applicant can be released on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. 20 of 2018 dated 7th January, 2018 registered with Samata Nagar Police Station on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the Applicant shall attend all the dates before the Trial Court unless exempted by the concerned Court.
- c) Any two consecutive defaults in complying with the afore-stated conditions will attract the

provisions of cancellation of bail.

- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)