

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.649 of 2020

Manali
P.
Tilak

Digitally
signed by
Manali P.
Tilak
Date:
2020.12.17
18:23:20
+0530

Anil Dattatray Mane

.. Applicant

Versus

The State of Maharashtra

.. Respondents

...

Mr. Rupesh A. Zade for the applicant.

Mr.S.V. Gavand, APP for the State.

CORAM: BHARATI DANGRE, J

DATED : 17th DECEMBER, 2020

P.C:-

1 The applicant has been charge-sheeted in C.R.No.463/2018 by way of supplementary charge-sheet. He has been implicated for the offence punishable under Section 302, 120B of the IPC.

2 The said C.R. has been registered against the son of the applicant Balaji who is a juvenile along with his two accomplice Omkar and Suraj and it is alleged that these three persons caused the death of deceased Chimi who was also a juvenile. Investigation was conducted. Charge-sheet came to be filed. Supplementary charge-sheet came to be filed on the basis of the alleged involvement. In view of the supplementary statement

Tilak

of Ashok Uttam Jadhav who has stated that the present applicant is also involved in the conspiracy to commit murder of his daughter.

3 The prosecution collected material and filed supplementary charge-sheet. In order to establish the criminal conspiracy, Mr. Gavand place reliance on a relevant fact being booking of Air tickets for the applicant himself and his son Balaji from Mumbai to Guwahati on 19th June 2019. He submit that the incident took place on 17th June 2019 and according to him, in order to help his son to flee away after committing the alleged offence, he booked the ticket on 13th June 2019. Pertinent to note that there is also a return ticket booked for 28th June 2019 from Guwahati to Mumbai in the name of the applicant and his son. After committing the incident, if the intention was to flee away from the course of justice, there could not have been no booking of return tickets. On being asked whether there is any other material to establish conspiracy, the learned APP answered in the negative. The ingredients of the offence of criminal conspiracy contemplate an agreement to commit an offence and proof of such agreement would be sufficient to establish the conspiracy. It can be proved either by direct evidence or by circumstantial evidence or by both. As it is said that conspiracy is hatched in the secrecy of night, therefore, positive direct evidence is very rare. It is therefore, permissible to adduce evidence

based on circumstances, but mere fact that two tickets have been booked, *prima facie*, cannot be a proof of involvement of the applicant in criminal conspiracy. The ticket was booked for a *to and fro* journey and there may be number of reasons why the person may be required to travel. The return ticket being booked for 28th June 2019 do not inspire confidence in the case of the prosecution to the effect that the applicant can be held responsible for criminal conspiracy. The learned APP Mr.Gavand has relied on motive and he has narrated the background of the incident where the relative of the applicant was eliminated and it is in the same way the conspiracy to kill Chimi – the deceased – was hatched. This, of course, is a matter of trial and the motive can be adduced and attributed and if prosecution is able to prove the same, the applicant will be indicted.

4 Based on the sketchy material contained in the charge-sheet, at this stage, the applicant is entitled to be released on bail. Hence, the following order :-

ORDER

Application is allowed.

- (a) The Applicant – Anil Dattatraya Mane shall be released on bail in connection with C.R. No.463 of 2019 registered with Baramati City Police Station on furnishing P.R. bond to the

extent of Rs.25,000/- with one or two sureties of the like amount.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The Applicant shall make himself available as and when required by the Investigating Officer.
- (d) The applicant will not set his foot in the jurisdiction of City of Baramati till the conclusion of the trial.

(BHARATI DANGRE, J)