

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

**CRIMINAL BAIL APPLICATION NO.567 OF 2021**

Samir Mohammad Rafiq Inamdar .... Applicant  
Versus  
The State of Maharashtra .... Respondent

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Mr. Priyal G. Sarda, Advocate for the Applicant.  
Mr. Ajay Patil, APP for the Respondent-State.  
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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 10<sup>th</sup> MARCH, 2021**

**P.C. :**

1. The Applicant is seeking his release on bail in connection with C.R.No.177/2016 registered at Khed police station, District-Pune under Sections 396, 302, 201 of the Indian Penal Code. The applicant was arrested on 3.8.2016 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. The prosecution case is about the murder of one Arun @ Mangesh Tabaji Chabukswar. He was a driver on a Scorpio car. According to the prosecution case, he was murdered by six accused, including the present Applicant,

when they were travelling in his car. At that time, cash of Rs.1,600/- and a mobile phone worth Rs.2,000/- were also taken away. The deceased was assaulted with stone and a sharp weapon.

3. The FIR is lodged by one Sitaram Chabukswar, who was uncle of the deceased. He has stated that on 27.7.2016, in the morning, the deceased had left his house in his Scorpio car. He did not return. On 28.7.2016, the informant was called by one Ravindra Ghegde. He told the informant that the car of the deceased had fallen in a valley. The informant and his family members went there. Though the car was taken out from the valley, the deceased was not found. The informant, therefore, had reported about his missing to the police station. On 30.7.2016, highly decomposed body of the deceased was found in village Bhomale. His head was crushed and there were injuries with sharp weapon. On this basis, the FIR was lodged. The investigation was carried out and the Applicant was arrested. The prosecution case is that to rob the deceased of his amount

and mobile phone, this offence was committed.

4. Heard Shri Priyal Sarda, learned Counsel for the Applicant and Shri Ajay Patil, learned APP for the State.

5. Learned Counsel for the Applicant submitted that there is absolutely no admissible evidence against the present Applicant. The prosecution case is based only on suspicion and, therefore, bail should not be denied to him.

6. Learned A.P.P. could not seriously dispute this submission. He only tried to submit that there are C.D.R. indicating that the Applicant was in that area around the time when the murder was committed.

7. I have considered their submissions and with their assistance I have perused the entire charge-sheet. The cause of death mentioned in the charge-sheet was “Evidence of head injury; with evidence of chop injury over right hand. Viscera kept for chemical analysis.” There were six injuries. There was one crush injury on the head and five injuries on the hand or palm caused by sharp weapons. Therefore, there is no

doubt that the deceased had died a homicidal death. However, the question about the Applicant's involvement in the offence has remained unanswered in the entire charge-sheet.

8. There is recovery of his clothes at his instance, but, there is no further piece of evidence connecting these clothes to show that the Applicant has committed murder or he was part of the group which has committed murder and that he was wearing same clothes at that time.

9. This material, at this stage, is totally innocuous. There are no eye witnesses to the incident. There is no other recovery of weapon etc. at the instance of the present Applicant. The weapon *Sattur* was recovered at the instance of the co-accused Kisan Dhandre. But, that cannot be held as an incriminating evidence against the present Applicant.

10. As far as the submission that the CDR showed his location around the same place and around the same time is concerned, that by itself will not indicate his participation in

the murder.

11. Considering all these aspects, there does not appear to be any admissible evidence against the present Applicant warranting his further detention in custody during course of the trial. He is in custody since 3.8.2016. He deserves to be released on bail. The investigation is over. Therefore, I am inclined to grant bail to the present Applicant. Hence, the following order :

**ORDER**

- (i) In connection with C.R.No.177/2016 registered at Khed police station, District-Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

Pradeepkumar  
P. Deshmane

Digitally signed by  
Pradeepkumar P.  
Deshmane  
Date: 2021.03.12  
14:50:13 +0530

**(SARANG V. KOTWAL, J.)**

Deshmane (PS)