

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

CRIMINAL BAIL APPLICATION NO.2035 OF 2021

Vinod Papat Shidruk

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Anil Lalla i/b. Lalla and Lalla for Applicant.
Smt. Veera Shinde, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 28th JUNE, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 555 of 2019 registered at Karad City police station, Satara, on 04/08/2019, under sections 302, 364, 201 r/w.34 of the Indian Penal Code (for short 'IPC'). The applicant was arrested on 04/08/2019 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

2. Heard Shri. Anil Lalla, learned counsel for the

applicant and Smt. Veera Shinde, learned APP for the State.

3. The prosecution case is that the deceased Udaybhan was engaged in smuggling of endangered species of snakes. He had made illegal transactions regarding sale and purchase of those snakes with the main accused Pradip Surve. In the transaction, Pradip Surve was cheated to Rs.21 lakhs and, therefore, he had held grudge against Udaybhan. According to the prosecution case, all the accused, including the present applicant conspired with each other. The story in the charge-sheet mentions that the applicant took Udaybhan from Ghatkopar to village Jakhin wadi, Tal. Karad. Learned counsel for the applicant submitted that the prosecution story actually is that the co-accused Mohammad Kalim Qureshi had taken the deceased from Ghatkopar to Karad. Learned APP agrees with Shri. Lalla that the prosecution story is that the co-accused Mohammad Qureshi had taken Udaybhan from Ghatkopar to Karad. The prosecution story further is that, the applicant and other accused committed murder of Udaybhan by assaulting him with kicks, fist and sticks. The accused disposed of the dead body by throwing it in a valley near village Kumbharli,

Taluka and District Ratnagiri. The F.I.R. is lodged by Badesab Naikwade, API of Alore Shirgaon police station, after dead body was found. He has stated that, he had received a phone call that a decomposed dead body was found on 25/06/2019. It was cremated on 02/07/2019. On 03/08/2019, officers of Ghatkopar police station contacted the informant's police station and brought four accused including the applicant to the informant's police station. The investigation revealed that those accused had committed the murder. On this basis the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that, in the entire charge-sheet there is absolutely no material against the present applicant showing his involvement. The prosecution story is based on conjectures and surmises without there being any concrete material. The applicant had no motive. He is not benefited from murder. Accused Suresh had grudge against the deceased. The only piece of evidence against the present applicant is in the form of statement of one Sudhakar Shetty who was Manager of Hotel Gandharv at Malkapur.

5. Learned APP opposed this application. She submitted

that, there is CDR showing connection of the applicant with other accused.

6. I have considered these submissions. I have perused the charge-sheet and in particular, statement of Sudhakar Shetty who was Manager of Gandharv hotel. His statement at the highest mentioned that the applicant was working with the main accused Pradip Surve. He had brought down two bags from the room occupied by the deceased when the deceased had vacated the room. Beyond that, there is no connection of the applicant with the entire offence. Shri. Lalla has rightly relied on the order passed by this court on 09/03/2021 whereby co-accused Akshay Avghade was granted bail by this court. In that order, the CDR was considered and it was observed that it was not an incriminating evidence as it did not indicate to the only possibility of involvement of that accused in question with the present crime. Same principle applies here. To that extent parity applies in favour of the applicant. In any case, the statement of Manager Sudhakar Shetty, as mentioned earlier is quite innocuous. There is no other material in the charge-sheet. Learned APP could not point out any

other material from the entire charge-sheet against the present applicant. In this view of the matter, the applicant deserves to be released on bail.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 555 of 2019 registered at Karad City police station, Satara, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)