

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

CRIMINAL BAIL APPLICATION NO. 2023 OF 2021

Sahil Ambadas Survase
Versus
The State of Maharashtra

...Applicant
...Respondent

Mr. Sachin Deokar for the Applicant.

Mr. H. J. Dedhia, A.P.P for the Respondent–State.

CORAM : REVATI MOHITE DERE, J.

DATE : 28th September, 2021

P.C. :

1. Heard learned counsel for the parties.
- 2 By this application, the applicant seeks his enlargement on bail in connection with C. R. No.372 of 2020 registered with the Khed Police Station, District Pune, for the alleged offences punishable under Sections 302, 201 r/w 34 of the Indian Penal Code.
- 3 Perused the papers. The prosecution case rests on the

circumstantial evidence. According to the complainant – Suresh Laxman Yerande, father of the deceased, his son Mayur left for work at 8.30 am on 6th October, 2020. At about 7.30 pm, Mayur called the complainant stating that he was with the accused no.1-Aditya Navale - the applicant and two other accused. Thereafter, the complainant tried to call his son, however, his phone was coming switched off. On the next date, at about 9.30 am, the complainant went to Manchar where his son was working in the mobile shop where he met the accused no.1-Aditya Navale and asked him about the whereabouts of his son. It is stated that Aditya feigned ignorance about Mayur. At about 3.30 pm when the complainant again called Mayur, the said call was received by the Police of Khed Police Station, who informed him that Mayur had met with an accident. Pursuant thereto, the complainant visited the Khed Police Station and thereafter, the hospital and learnt that Mayur had sustained injuries on his head and had succumbed to the same. Accordingly, an FIR was lodged as against unknown persons. Thereafter, during the course of investigation, the statements of witnesses were recorded. Akansha Yerande, wife of the deceased Mayur has set out in detail in her statement, how the accused no.1 - Aditya Navale was harassing her and how on a couple of occasions he had raped her, after threatening to kill her husband-Mayur. She has

stated that she had informed about the same to her husband. The said witness has stated that as her husband-Mayur was working with the accused no.1 and because of his threats, she had not informed her husband, earlier of the acts of the accused no.1-Aditya. She has further stated that as the accused no.1-Aditya Navale was frequently calling her and sending text messages, she informed the same to her husband, who asked her to ignore the same. In her statement, Akansha has set out in detail, the harassment and sexual assault committed on her by the accused no.1-Aditya Navale, as well as the harassment meted out by him.

4 The prosecution case rests on the circumstantial evidence. As far as the aforesaid applicant is concerned, it is the case of the prosecution, that the Maruti car which was used in the commission of the offence i.e. Maruti Suzuki 800, belonged to the applicant's father. The statement of Irfan Mulani which is at page 112 of the application shows that Aditya Navale had visited his shop on 6th October, 2020 at about 7.00 pm. He has stated that a few days prior, Aditya had given one Maruti Suzuki 800 for repairing one of the car window, however, as he was busy, the said window could not be repaired. He has stated that he asked Aditya to wait, and told him that he will immediately

repair the car and give it to him. He as stated that Aditya, whilst waiting for the car repair, at about 7.00 pm, called one person and asked him to come to the garage; that after sometime, Mayur (deceased) who was working with Aditya Navale came to the garage and both of them went towards Buva Maharaj Tekdi. He has further stated that after sometime, Aditya Navale returned to the garage and hurriedly took the said car from the garage after making payment. The said witness-Irfan has further stated that after sometime, Aditya Navale called him told him, that the car had stopped, pursuant to which he asked him to fill fuel in the car. The said statement of Irfan shows that the accused no.1-Aditya Navale was last seen in the company of Mayur (deceased) and that the said car was being used by Aditya and that he was in the possession of the said car, at the relevant time.

5 *Prima face*, there is no other material to connect the applicant with the alleged offence. The applicant is in custody since 8th October, 2020 and investigation is complete and charge-sheet is filed and hence, further detention of the applicant is not warranted.

6 Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 am to 12:00 noon, till the conclusion of the trial;
- (iii) The applicant shall not leave Pune District, without the permission of the trial Court, till the framing of charge;
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (vi) The applicant to cooperate with the conduct of the trial and attend the Court on every date, unless exempted;
- (vii) The applicant to file an undertaking with regard to clause (ii) to (vi) in the trial Court, within two weeks of his release;

- (viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7 The application is allowed in the aforesaid terms and is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

VINA
ARVIND
KHADPE

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signed by
VINA ARVIND
KHADPE
Date:
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