

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2066 OF 2021**

Vikram Chandrakant Pasalkar .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Aniket Nikam i/b Mr. Aashish Satpute for the Applicant.

Ms. P.H. Dabholkar, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 05TH AUGUST, 2021.

P.C:-

1. The Applicant is charge-sheeted in connection with C.R. No.1036 of 2020 registered with Chakan Police Station, Dist. Pune, for having committed offences punishable under Sections 392, 395 and 120-B read with Section 34 of the IPC. He came to be arrested and is presently awaiting his trial in Yerwada Central Prison.

2. The crime came to be registered on a complaint filed by one Ankush Kendre, who was the driver of container truck bearing Registration No.MH-12-PQ-5301 owned by Bipin

Ujgare, which is used for transporting the goods from the Warehouse of Tata Company in Santosh Nagar to be unloaded in the godown of Safe Enterprises in Rahakal. The Complainant allege that on 21/09/2020, he had parked the container at the Warehouse of Tata Company and after the goods were loaded in the said container, while going ahead of Sharad Kad Bunglow, at about 11.05 p.m., four people on two motorcycles chased and compelled him to stop the container truck. It is alleged that three persons entered the cabin and one of them took charge of the steering wheel and the other persons snatched Rs.1500/- and a mobile phone from him. The container was stopped at some distance and the Complainant could hear the sounds of opening of the rear door of the container and parking of a four wheeler behind the container. The allegation is that after some 20 minutes, the four wheeler could be heard leaving and the accused persons handed over the mobile phone and key of the container to the Complainant and fled away from the spot.

3. The Complainant reported the incident to Bipin Ujgare, the owner of the container. On verification of the goods that were loaded in the said container, there were 875 boxes, out of which 186 boxes, worth Rs.8 lakhs containing spare parts of Tata Motors Limited, were alleged to be stolen as per the information of Bipin Ujgare and the Manager Aniket Patole. The descriptions of the four persons, who have intercepted the vehicle and who had removed the boxes were given in the

complaint. On 02/10/2020, supplementary statement of the Complainant was recorded which enhanced the quantity of the stolen goods and the value is approximated to be Rs.27.09,469/-. In the backdrop of these allegations, the FIR came to be registered against four unknown persons.

4. The statements of the owner of the container Bipin Ujgare and the Manager Aniket Patole came to be recorded on 22/09/2020. However, when the statement of Mohan Ramesh Shah, the Sales Executive of Safe Enterprises Pvt. Ltd. came to be recorded, he on verification of the records, revealed that the amounts of spares, which were stolen in the incident, was valued at Rs.27,09,469/-. The case of the prosecution is that the Applicant is the mastermind behind the crime. The charge-sheet contain material pointing out the involvement of the Applicant.

5. The Applicant is serving as Police Sub Inspector and was posted at Mhalunge Police Chowky of Chakan Police Station. The charge-sheet includes the statement of one Manoj Katkar, who was known to the co-accused, Vinod Thakare. The said witness states that on 22/09/2020, in the morning hours of 06.45, Vinod Thakare made a phone call to him and told him that the Company vehicle was broken down and since it contained the goods of the Company, he was desirous of unloading it in his cowshed. Manoj asked him whether it is stolen goods, upon which he responded that it is the goods belonging to the

Company. At around 7.00 p.m., he received a phone call from Jithu Srivas from his village intimating about his arrival and he arrived in his field with one Riyaz Inamdar and two unknown persons in vehicle bearing No.MH 14 HU 2354 and Tata Super Mint bearing No.MH 14 GD 3643. These vehicles were loaded with brown coloured boxes with Tata Company label. They unloaded the boxes and stored in his cowshed. Thereupon, the two unknown persons and Riyaz left the place. Jithu Srivas was present when he received a phone call and, from his conversation, he could make out that Vinod and Jithu and his associates had stolen the goods. He, therefore, asked Manoj to remove the boxes, when he was told that the goods belonged to PSI Pasalkar, the Applicant, and he should not worry. After sometime, Vinod Thakare also arrived there and made an attempt to convince him to keep the goods in his cowshed, but when he did not relent, in the evening, they brought a tempo and the goods were removed. On similar line is the statement of one Akshay Ganjale, who was also known to Jithu Srivas and he used to often mention about the Applicant. On 22/09/2020, at about 1.00 O' clock, he received repeated phone calls from Jithu. Since he did not answer the phone calls, voice messages were also sent. In the morning, when Akshay called back Jithu asked about the urgency and he informed him that a godown was required for storing some goods and, in any way, the work was done.

6. As far as the ownership of the pick up vehicle bearing No.MH 14 HU 2354, which was used for commission of offence is concerned, statement of one Priyanka Rale, the owner of the vehicle is recorded, who states that accused Riyaz Inamdar had hired her pick up van on 21/09/2020 at around 1.00 p.m. and he returned the said vehicle around 12 O' clock on 22/09/2020. She reported that on the relevant date of the theft, the pick up van was with Riyaz Inamdar. The prosecution also rely upon transcript of conversation between the Applicant and the co-accused and the sim card, from which the conversation is retrieved, is in the name of Ajit Shinde, who states that the said sim card was given by him to the present Applicant for use. The CDRs have also been collated in the charge-sheet, which establish that the co-accused persons were in contact with the present Applicant.

7. Another important evidence is the panchanama executed on 09/10/2020 at the instance of co-accused Vinod Thakare, where he has disclosed about the conversation between himself and the Applicant on the night of 22/09/2020, which was recorded by him. The said conversation was recorded in the form of audio clipping and the transcript of the conversation is contained in the panchanama, which is the conversation between the co-accused Vinod Thakare and the present Applicant, which is about a pick up van carrying some goods and where it has to

be parked. The voice samples of the accused persons are collected, the report of which is awaited. It is this material which implicates the present Applicant into the said crime.

8. The Applicant is a police officer and his involvement in the offence, which is a serious one, attributes him the role of main conspirator. This is indicative of sufficient evidence of his involvement in the entire crime. On being released on bail, the possibility of he tampering with the prosecution case cannot be ruled out. In the circumstances, the Application deserves to be rejected and is rejected, accordingly.

[SMT. BHARATI DANGRE, J.]