

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

BAIL APPLICATION NO.2607 OF 2021

Satyajeet Baban Patekar

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Siddharth Mehta with Mr. Saiprasad Wadkar i/b. Mr. Harshad Sathe for the Applicant.

Mr. M.G. Patil, APP for Respondent-State.

Mr. Pradeep Tulshiram Bhandari, PSI, Guhagar Police Station, District-Ratnagiri, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED :29th NOVEMBER, 2022.

P. C. :-

1. This is an application under Section 439 of Cr.P.C. filed by the Applicant, who is facing trial in Sessions Case No.2 of 2021 pending on the file of learned Additional Sessions Judge, Chiplun for offences punishable under Sections 120 B, 201, 302, 379 and 397 r/w Section 34 of the Indian Penal Code.

2. Heard Mr. Siddharth Mehta, learned counsel for the Applicant and Mr. M.G. Patil, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by

the learned counsel for the respective parties.

3. The case of the prosecution is that the deceased-Sunetra Durgule was the manager of Vidarbha Konkan Gramin Bank, Veldur Branch. The accused No.1 was serving as goldsmith in the said bank. On 17/09/2020 Trupti Durgule, daughter of said Sunetra lodged a complaint with Guhagar Police Station that on 16/09/2020 her mother left for Vidarbha Konkan Gramin Bank at 7.45 a.m. On her way to the Bank, she had withdrawn cash of Rs.7,00,000/- from UCO Bank and Bank of India to purchase gold. Complainant has stated that her mother called her in the evening at 5.57 p.m. and told her that she would come home for dinner. Her mother did not return home till late night. The Complainant could not contact her since her mobile was switched off. On 17.09.2020 the Complainant made enquiry in the bank and was informed that the deceased had not resumed duty. The Complainant therefore lodged a report against an unknown person. Later in the day they were informed that the dead body of her mother was found at Navanagar Tarichi Jetty, Taluka-Guhagar. Father of the Complainant and other relatives visited the spot and identified the dead body as that of her mother. The body was sent for post mortem. The post mortem report reveals that there were ligature mark and

bruises over the body, in view of which Section 302 came to be added.

4. The Applicant as well as the co-accused were arrested on 18/09/2020. Pursuant to the disclosure statement, cash of Rs.6,65,000/- was recovered from the co-accused. The Applicant was arrested on the basis of the statement of the co-accused. It is the case of the prosecution that pursuant to the disclosure statement made by the Applicant, cash of Rs.50,000/- was recovered from him. There is no prima facie material to show that the cash recovered at the instance of the Applicant is the same cash, which was withdrawn by the deceased either from the UCO Bank or Bank of India.

5. The prosecution has also relied upon the statement of Pranay Kole, a peon working in M/s. Sai Electronics World, who has stated that on 16/09/2020 the co-accused and his friend had come to the shop and purchased a television set. He has stated that the owner of the shop had instructed him to load the said television set in the vehicle of the co-accused. He has stated that he had seen one lady sitting on the front seat of the vehicle. This witness has not named the Applicant. His statement indicates that he had identified the Applicant at the police station. The said identification as well as the last scene

theory does not prima facie inspire confidence. There is no other material on record to prove the complicity of the Applicant in the said crime.

6. Considering the above facts and circumstances, the Applicant is entitled for bail. Hence the application is allowed on the following terms and conditions:-

- (i) The Applicant, who is facing trial in Sessions Case No.2 of 2021 pending on the file of learned Additional Sessions Judge, Chiplun, is ordered to be released on bail on furnishing PR bonds in the sum of Rs.30,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall report to the concerned investigating officer once in two months on first Monday between 11.00 a.m. to 2.00 p.m. till framing of charge.
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and /or change of residence or mobile

details, if any, from time to time;

- (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;

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)