

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

CRIMINAL BAIL APPLICATION NO. 743 OF 2022

Swapnil @ Nanya Ankush Misal ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Abhijeet Desai i/by Desai Legal, Advocate for the Applicant.
Mr. Arfan Sait, APP for the Respondent - State.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th JULY, 2022.

P.C.

1. The applicant is arrested on 25th May, 2019 in connection with C.R. No. 188 of 2019 registered with Chandannagar Police Station, Pune for offence under Sections 395, 396, 364, 342, 323 and 506 of Indian Penal Code (for short 'IPC').

2. Brief facts of the prosecution case are as follows :

On 26th April 2019 complainant Mahendra Patil received a call from Dr. Sandip Thosar and he informed that amount of Rs.25 crore will be brought from Jalgaon to Pune. The complainant gave this information to Deputy Superintendent of Police Mr. Bhagwat. The complainant again received a call from Dr. Thosar on 27th April, 2019 stating that one Sahil Khan will come with money. On 28th April, 2019 Dr. Thosar and Sahil Khan came to the lodge. Complainant and Rahul Shelar went to the lodge namely Coronet Lodge at Khardi. The complainant met Dr. Thosar and Sahil Khan. He was informed

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that the amount is to be sent to Maval and Hadapsar. The amount will be shown on the next day. On 29th April, 2019 the complainant received a call from Dr. Thosar and informed him that he should not go to the lodge as there is risk. Dr. Thosar had returned back to his village from lodge. The complainant then received call from Sahil Khan and therefore he went to lodge with Rahil shelar. One Tejas Chavan was present at the lodge. He showed money to be disposed off. The complainant tried to record the video. The complainant was called to the room by Sahil Khan. Five persons were present. They took the articles, such as, phone, clock, chain from complainant and Rahul Shelar. Accused took away Rahul Shelar from the said premises. Accused then demanded Rs.5crores. Complainant was taken to the house of Nitin Phadtare. He managed to enter house of Nitin Phadtare and closed the door. Police came to the spot. Rahul Shelar was assaulted. He was killed by accused. His body was thrown in the river. Investigation proceeded. Several accused were arrested. Charge-sheet was filed.

3. Learned APP submitted that the applicant was seen in the CCTV footage installed at Coronet Lodge. The applicant is identified by complainant. Bracelet is recovered from the applicant.

4. There is no evidence to link the applicant with killing of Rahul Shelar. No role is attributed to the applicant while identifying him.

There is no evidence to show that the applicant was in company of deceased. Rushikesh Nigade who was in the identification parade is granted bail by this Court. Rakesh Kadam was also granted bail by this Court. Considering the nature of evidence against the applicant, bail can be granted to him.

ORDER

- i. Criminal Bail Application No.743 of 2022 is allowed;
- ii. The applicant is directed to be released on bail in connection with C.R. No.188 of 2019 registered with Chandannagar Police Station, Pune on executing PR. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of six weeks in lieu of surety.
- iv. The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- v. The applicant shall attend trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason.

vi. The applicant shall not tamper with the evidence and shall not approach the witnesses.

vii. The trial Court is requested to conduct the trial expeditiously and as far as possible trial may be completed within a period of nine months from the date of receipt of this order.

viii. Applicant stands disposed off accordingly.

[PRAKASH D. NAIK, J.]