

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1146 OF 2023

Vilas Ramkrishna Mahajan,
Age-53 years, Occu:Agri.,
R/o-Ward No.4, Kurha-Kakoda,
Tq-Muktainagar, District-Jalgaon.

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. Satej S. Jadhav Advocate for Applicant.
Mr. A.M. Phule, A.P.P. for Respondent-State.
Mr. V.M. Jaware Advocate for assist to APP.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 20th OCTOBER, 2023

ORDER :

1. Present Application has been filed under Section 439 of the Code of Criminal Procedure by the applicant who has been arrested in connection with Crime No.118 of 2020 registered with Muktainagar Police Station, District-Jalgaon, for the offence punishable under Sections 302, 120-B, 201 of the Indian Penal Code and under Section 4/25 of the Indian Arms Act.

2. It will not be out of place to mention here that when the present applicant has filed earlier application for bail under Section 439 of the Code of Criminal Procedure i.e. Bail Application No.368 of 2022, it came to be withdrawn by the applicant when disinclination was shown by this Court to grant any relief in favour of the applicant, on 25th April 2022. Present Application is the second application. It has been mainly contended that after the withdrawal of the earlier application by the present applicant, the main accused – Tejrao Bhaskarrao Patil had approached the Hon'ble Supreme Court in Petition for Special Leave to Appeal (Cri.) No.2862 of 2023 and by order dated 10th May 2023, he has been granted bail.

3. Heard learned Advocate Mr. Jadhav appearing for the applicant and learned APP Mr. Phule appearing for the respondent – State, well assisted by learned Advocate Mr. Jaware.

4. Learned Advocate for the applicant submits that the role attributed to the present applicant is of conspiracy i.e. offence under Section 120-B of the Indian Penal Code and the

prosecution is mainly relying upon the telephonic conversation of which transcript has been given. There is no other evidence against the present applicant and therefore the second Application is maintainable in view of the fact that the co-accused has been granted bail.

5. Per contra, learned APP strongly opposes the Application and submits that this Court was not ready to grant bail and after disinclination was shown, the applicant had sought withdrawal of the earlier application. The call recording has been collected and the transcript of the same is given. It shows that the present applicant has played an active role. The postmortem report would show that the death is homicidal in nature. Under the said circumstance, this is not a fit case where the applicant should be released on bail.

6. Facts in brief are that deceased Dinkar Patil was the cousin of the informant. The deceased was in politics since last twenty years and was the President of Panchayat Samiti, Muktainagar. One Pramod Shaligram Patil used to be with the deceased. Said Pramod informed the informant on 17th June 2020 at 5.15 p.m., that on 16th June 2020, Pramod, Vijay Patil and the deceased were chatting till 2.30 a.m. at Dwarka Kisan Petrol Pump.

Pramod further told the informant that they slept in the ground in front of said Petrol Pump. At 5.00 a.m. when Pramod woke up, he found Dinkar in a pool of blood. His throat was slit by means of some weapon. When informant visited the spot of the incident, he found the deceased lying in a pool of blood. Therefore, he lodged First Information Report on 17th June 2020. On the basis of this First Information Report, offence under Section 302 of the Indian Penal Code came to be registered.

7. It is the further prosecution story that present applicant and Tejrao Patil were not on good terms with deceased Dinkar. Tejrao Patil used to oppose deceased Dinkar in the social or political work. Accused Tejrao Patil and present applicant were jealous of deceased Dinkar. On 2nd April 2020 at 6.00 to 7.00 p.m., there was a quarrel between Dnyaneshwar Tambe, Ramrao Patil and Santosh Patil, Shivaji Patil, Ajabrao Patil and Nandabai Patil. In that quarrel, Ramkrushna, father of the applicant sustained injury to his head. At that time deceased had convinced applicant owing to which, applicant did not lodge complaint against Santosh Patil, which was not liked by the present applicant and Tejrao Patil. Ramrao Patil had lodged complaint against Santosh and his relatives on the basis of

which, Crime No. 57 of 2020 under Section 324, 504, 506 read with Section 34 of the Indian Penal Code came to be registered. Deceased Dinkar had helped Santosh and his relatives to get bail. For that reason, Tejrao and the applicant were annoyed with Dinkar. On this basis, suspicion was expressed by the informant that accused Tejrao Patil and the applicant had committed murder of the deceased. It is the case of the prosecution that accused Tejrao and present applicant hatched a conspiracy to commit murder of deceased Dinkar and had given contract to one Sayyad Shabbir Sayyad Shafi for eliminating the deceased.

8. After perusal of the police papers and the copy of the charge-sheet, it can be seen that the role attributed to the applicant is of conspiracy and the evidence appears to be in respect of the call recording of the telephonic conversation, of which transcript has been given. The conversation is between the present applicant and accused Tejrao Patil, who has been granted bail by the Hon'ble Supreme Court. It also appears that another accused i.e. Sayyed Shabbir Sayyad Shafi was granted bail by this Court on 6th December 2021 and as per the prosecution story, the role attributed to accused Sayyed Shabbir was that he facilitated the contract killers to kill the deceased.

Under the said circumstance, the second bail Application is maintainable and the applicant deserves to be released on bail. Hence the following order:-

ORDER

(I) Application is allowed.

(II) Applicant - Vilas Ramkrishna Mahajan be released on PR Bond of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety in the like amount in connection with Crime No.118 of 2020, registered with Muktainagar Police Station, District-Jalgaon, for the offence punishable under Sections 302, 120-B, 201 of the Indian Penal Code and under Sections 4/25 of the Indian Arms Act.

(III) Applicant shall not make any attempt to influence the prosecution witnesses in any manner.

(IV) Applicant shall not put any obstacle in the trial and remain present on the dates fixed by the Trial Court and co-operate the Trial Court.

(V) Applicant shall deposit his passport, if any, with the Judicial Magistrate First Class, Muktainagar.

(VI) Applicant shall not travel abroad without prior permission of the Judicial Magistrate First Class, Muktainagar.

(VII) Applicant shall furnish his address in detail and mobile phone number with the Judicial Magistrate First Class, Muktainagar and Police Station, Muktainagar, and Police Inspector, Muktainagar Police Station to verify the same.

(VIII) Bail before the Judicial Magistrate First Class, Muktainagar, District-Jalgaon.

(IX) Application stands disposed of.

**[SMT. VIBHA KANKANWADI]
JUDGE**