

SATISH
RAMCHANDRA
SANGAR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3933 OF 2022

Digitally signed by
SATISH RAMCHANDRA
SANGAR

Date: 2023.02.23
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Manoj Muni Mahato

Age : 28 Years, Occupation : Labour,

Residing at : Majagad, Langtuhata,

Taluka : Hatuva, District : Gopalganj (Bihar)

Presently : Pusegaon, Taluka : Khatav,

District : Satara.

... Applicant

Versus

State of Maharashtra

(At the instance of Pusegaon

Police Station)

... Respondent

Mr.Vaibhav R. Gaikwad a/w Mr.Atharva R. Bhingardev and Mr.Yash M. Naik, Advocates for the Applicant.

Mr.H.J.Dedhia – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 22nd FEBRUARY, 2023

P. C. :-

1. Heard learned Advocate Shri.Gaikwad for the Applicant and learned APP Shri.Dedhia for the Respondent-State.

2. There was a missing complaint lodged by Opendrakumar Motilal Patel – nephew of the deceased Raju Chandrabali Patel with Pusegaon Police Station. Since 10.00 a.m., on 13th December, 2021 the whereabouts of the deceased Raju were not known and hence, missing complaint was lodged on 29th December, 2021. During enquiry, Police went to the State of Bihar. The deceased Raju Patel was working as a labour and residing at Pusegaon, Taluka : Khatav, District : Satara. His employer was one Mr.Mevalal Chauhan. He is a resident of Uttar Pradesh, whereas, staying

at Pusegaon for employment purpose. When Police went to Bihar, District : Siwan, the employer was not found, so also, his labourers were not found. Only the present Applicant was found.

3. He was summoned as per Section 160 of the Code of Criminal Procedure, 1973 ["Cr.P.C."] and he gave statement thereby disclosing how the deceased Raju Patel was beaten by the employer Mevalal Chauhan and other employees of Mr.Mevalal Chauhan in the intervening night of 15th December, 2021 and on 16th December, 2021. Then the Police Constable Shri.Bhosale lodged the complaint which was registered under Sections 302, 201, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860 ["IPC"]. The present Applicant was impleaded as one of the Accused.

4. During his custodial interrogation, he has shown the spot wherein the body of the deceased was buried and at his instance, certain weapons were seized. The FIR is predominantly lodged on the basis of information given by this Applicant in his statement. Though he has not shown any role to him, he has stated that he was present at the time of incident. The employer Mevalal Chavan and Co-accused brought the deceased Raju to the room wherein all the employees including the Applicant was residing. The employer threatened the deceased why he is demanding the arrears of the wages. During that assault, he died.

5. Later on, he was buried in a pit on a bank of river. So, entire Prosecution case is based upon what the Applicant has stated in his statement. What would be the evidentiary value will be considered at the time of trial. There is one statement of the witness Shivraj. Though he has seen some objectionable thing going on in the room and though he has implicated some of the Accused persons, the present Applicant is not one of them. Even though, at the instance of this Applicant, sticks are

recovered, the room from where they were covered is not in exclusive possession of the Applicant. It is also true that at his instance, body was taken out from the pit.

6. Considering the above circumstances, I am inclined to grant him bail. He is not the resident of Pusegaon. His native place is at Bihar. So, local sureties can be arranged. Hence, order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Manoj Muni Mahato be released on bail in connection with C.R. No. 0010 of 2022 registered with Pusegaon Police Station – Satara on furnishing personal bond and surety bond of Rs.25,000/-. Surety should be from Satara District.
- (iii) Applicant to give attendance to Pusegaon Police Station on last Monday of every month from 10.00 to 12.00 noon for one year.
- (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (v) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after hearing.

7. 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 the law, uninfluenced by the observations made in this order.

8. Application is disposed of in the aforesaid terms.

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

(S. M. MODAK, J.)