

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

BAIL APPLICATION NO. 2846 OF 2022

Vikas Mohan Thakur	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Raju Suryawanshi a/w Mr. Suraj Naik - Advocate for the Applicant

Mr. Y. Y. Dabke - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 05th APRIL, 2023

P. C. :-

1. Heard Shri Raju Suryawanshi learned Advocate for the Applicant and Shri Y. Y. Dabke, learned APP for the Respondent-State.

2. The Applicant is charge-sheeted for committing a murder of his business partner Riyansh Kavilash Kashyap. Both of them were in a share business on the partnership basis. They have carried out business in the name of the G. L. T. business and Trade India Private Limited, Goregaon (West). Both of them have suffered losses. There are two motives for the murder suggested by the sister of the

deceased, Khushbu. According to her as the company has suffered into losses, the Applicant form an opinion that the deceased is instigating the investors for pressurizing the recovery of the money from the Applicant and that is why to eliminate him he has murdered him. Furthermore, she has also suspected that there was a love relationship in between deceased and one Sanjana Gupta. After some period, the deceased has started suspecting her character.

3. Investigating Agency has carried out the investigation. It is true that the said Sanjana was also aware about the business losses suffered by the Applicant and deceased and there were some dispute amongst them. It is true that so far as instigating investors by the deceased is concerned, no statements are pointed out to me.

4. It is true that this case is based on circumstantial evidence. At the time of trial, the Court will see whether chain is established or not. At this stage, we have to see whether there are materials to show the involvement of the Applicant atleast to satisfy the conscious of the Court that further detention is justified.

5. With this view in my mind, when I have perused the papers with the assistance of the both the sides, I am convinced that there are sufficient materials warranting the detention of the

Applicant.

6. Learned Advocate Shri Suryawanshi has fairly pointed out all the materials which is part of the charge-sheet and he tried to contend that these materials are either not sufficient or they are lacking in relevant particulars. However I am not convinced with his arguments.

7. The reason is there is a memorandum statement given by the present Applicant thereby showing the place wherein the cello tape and gunny bag were kept. They were used for tying hands of the deceased. Furthermore alongwith dead body one scarf was found. It is same scarf which present Applicant has purchased from the witness earlier to the commission of the murder. His statement is recorded. Furthermore, the Police tried to collect the CCTV footage from the Toll Naka from where car of the Applicant has passed. Those photographs are there. It may be true that number is not clearly visible. It is important to note that this car was sold by the Applicant immediately on the next date of the incident i.e. on 04/12/2021.

8. Even though learned Advocate may be right that there are certain lacunae in Call details report which are on page no. 214

and tower location of the mobile handset of the Applicant shown at Jambli Naka on 02/12/2021 at 20.17.46 pm and CDR at page no. 215 suggests that on 03/12/2021 at about 3.54.29 a.m. the tower location of the mobile handset shows that it is near Padgha.

9. Though learned Advocate Shri Suryawanshi tried to advance a submission that CCTV footage of the car passing through Padgha, Kasara toll naka road is there, still there are other routes available to the Applicant to go and we cannot infer that he had gone to the spot of the scene only.

10. As said above, there may be certain shortcomings in the materials but at this stage they are sufficient to take a decision to reject the bail application. These are my prima-facie observations.
Bail application is rejected.

11. If the charge is not framed within two years from today, the Applicant can apply for bail.

[S. M. MODAK, J.]