

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3929 OF 2022

VAISHALI
ANIL
TIKAM

Vilas Babu Sargar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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by VAISHALI
ANIL TIKAM
Date:
2023.10.21
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Swaraj Jadhav i/b B.A. Lawate, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

P.C. - Mr. A.B. Patil, Sangola Police Station Solapur Rural is present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No. 878 of 2021 registered with Sangola Police Station at Sangola for offences punishable under Sections 302, 201, 120-B, 34 of Indian Penal Code, 1860.

2. It is prosecution's case that on 15th July, 2021 at about 4.17 p.m. the complainant Sopan Janardhan Gadade received a call from his cousin brother Bapu Gadade, informing that he had seen a one body floating on the water on the south side of Budhehal tank in the area of Goudwadi Boundry. The complainant went to spot on his motorcycle. He informed the said fact to Sangola Police Station.

The police reached at the spot. The body was taken out and police registered the offence against unknown persons. In investigation, Applicant and co-accused have been arrested in connection of the said crime. It is alleged that the deceased was the son of the applicant and he was tormenting the applicant and his family members. To eliminate the deceased, the applicant hired services of co-accused and co-accused murdered the deceased.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecution case is based on circumstantial evidence. There is no eye witness in the case. The name of the applicant was not mentioned in the FIR. As per the supplementary statement of the complainant, it is mentioned that the applicant was the member of conspiracy. The co-accused have been released on bail by this Court, who have similar role like the applicant. It is alleged that the applicant had given an amount of Rs.1,40,000/- to the co-accused to kill the deceased, but the said amount was not recovered from the co-accused, nor the material is produced on record to show that the said transaction had been happened. Applicant is behind bar for more than two years. Investigation is completed, charge-sheet has

been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that the applicant is the father of the deceased Vijay. The statement of witnesses shows that when family members of the deceased were stating to the Applicant that deceased was missing and he needs to file police complaint in respect of the missing, but the applicant was not ready to file the missing complaint. Learned APP further submitted that it has come in the statement of witnesses that the applicant was stating that he had taken care of the deceased and hereinafter he would not torments the family members, which shows the involvement of the applicant in the said crime. There is prima facie case against the applicant. Learned APP submitted that if the applicant is released on bail, he may give threats to the prosecution witnesses, who are the family members of the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

It is alleged that the applicant is the main conspirator to kill deceased Vijay. It is alleged that the applicant had given amount of Rs.1,40,000/- to the co-accused to kill the deceased. But the said

amount is not recovered from the co-accused, nor any documents were produced on record to show that the said amount was transferred to co-accused to prove the role of conspiracy. Applicant is behind bar for more than two years. Investigation is completed and charge-sheet has been filed. Yet the trial has not been commenced. Two co-accused have been released on bail.

6. Considering the above facts, applicant's further detention is not required, hence I pass following order :

ORDER

- (i) Applicant be enlarged on bail Crime No. 878 of 2021 registered with Sangola Police Station at Sangola on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall not enter the jurisdiction where the family members of the applicant are residing.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any

person concerned with the case.

(v) The Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)