

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

CRIMINAL BAIL APPLICATION NO.353 OF 2024

Aakashkumar Chauhan & Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Vaibhav R. Gaikwad a/w Atharva R.B. & Ms. S.S. Kaushik,
APP for Respondent-State.

Dy. S.P. Mr. Rajendra D. Shelke, S.D.P.O. Koregaon Division,
Satara, present.

API, Mr. A.D. Kamble, Pusegaon Police Station, present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 16th February 2024

P. C.

1. Heard Mr. Gaikwad, learned Counsel appearing for the Applicant and Ms. Kaushik, learned APP appearing for the Respondent-State.

2. This matter was first heard on 31st January 2024. The F.I.R. dated 18th January 2022 set out in detail the manner in which the incident has taken place. As per the prosecution case, the deceased was mercilessly assaulted by Accused No.1 - Mevalal Chauhan and Accused No.2 - Rajan Chauhan. During the hearing of this Bail Application, preferred by Accused Nos.3 and 5, it has transpired that the main Accused i.e. Accused No.1, who is a Government contractor, has not been taken into custody.

Thereafter the matter was heard from time to time i.e. 5th February 2024, 7th February 2024, 8th February 2024 and 16th February 2024.

3. Pursuant to the hearings on these dates, the matter was brought to the notice of the Superintendent of Police of Satara and on his directions, the Additional Superintendent of Police transferred further investigation to Mr. Sandip Madhukar Shitole, Assistant Police Inspector attached to Karad City Police Station, District-Satara.

4. Ms. Kaushik, learned APP, on instructions of Deputy Superintendent of Police, who is present in Court, submitted that the main Accused - Mevalal Chauhan has been arrested from the residence of his relative situated in Siwan district in Bihar. On instructions, she submitted that the main accused Mevalal Chauhan will be produced before the Court of learned Judicial Magistrate First Class at Vaduj - Satara on 18th February 2024.

5. As far as the merits of this Bail Application are concerned, the relevant details are as follows:-

1.	C.R. No.	10 of 2022
2.	Date of registration of F.I.R.	18th January 2022
3.	Name of Police Station	Pusegaon, District Satara
4.	Section/s invoked	302, 201, 143, 147, 148, 149, 504, 506 of the <i>Indian Penal Code, 1860</i> .
5.	Date of incident	16th December 2021

6.	Date of arrest	Applicant No.1-Accused No.3 Akash Chauhan- 25th February 2022. Applicant No.2- Accused No.5. Arvind Rajbhar - 28th February 2022
7.	Date of filing Charge-sheet	15th April 2022

6. The present Applicants are Accused Nos.3 and 5.

7. Mr. Gaikwad, learned Counsel appearing for the Applicants submitted that the only role of these Accused i.e. the present Applicants is that they helped in disposing of the mortal remains of the deceased. He submitted that in fact the F.I.R. clearly shows that the main Accused - Mevalal Chauhan threatened these Applicants that if they do not help in disposing of the dead-body of the deceased, they would be killed and therefore they had helped others in disposing of the dead-body of the deceased.

8. Ms. Kaushik, learned APP strongly opposed the Application.

9. Perusal of the record shows that the F.I.R. has been lodged on 18th January 2022. The Applicant No.1 - Akash Chauhan has been arrested on 25th February 2022 and Applicant No.2 - Arvind Rajbhar has been arrested on 28th February 2022. The Charge-sheet has been filed on 15th April 2022.

10. Although the offence is registered under Sections 302, 201, 143, 147, 148, 149, 504, 506 of the *Indian Penal Code, 1860*, the allegations against the Applicants is only with respect to act of destruction of evidence. The trial is likely to take a considerably long time.
11. The Applicants do not appear to be at risk of flight.
12. The Applicants do not have any criminal antecedents.
13. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
14. In view thereof, the following order:-

ORDER

- (a) The Applicant No.1 - Aakashkumar Chauhan and Applicant No.2 - Arvindkumar Umashankar Rajbhar be released on bail in connection with C.R. No.10 of 2022 registered with the Pusegaon Police Station, District - Satara on their furnishing P.R. Bonds of Rs.25,000/- each with one or two sureties from Satara district in the like amount.
- (b) On being released on bail, the Applicants shall furnish their cell phone numbers and residential addresses to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicants shall report to the Pusegaon Police Station, District- Satara on first Sunday of every month between 10.00 a.m. and 12.00 noon till disposal of the trial.

(d) The Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicants shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

(f) The Applicants shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicants shall surrender their passports, if any, to the Investigating Officer.

15. The Bail Application is disposed of accordingly.

16. It is clarified that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]