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

BAIL APPLICATION NO.1027 OF 2024

SURAJ DEEPAK JADHAV
VS.

..APPLICANT

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ganesh Gole a/w Adv. Ateet Shirodkar i/b. Adv. Bhavin Jain for the applicant.

Mr. B. B. Kulkarni, APP for the State.

Adv. Vishal Hegde a/w Adv. R. P. Shirole a/w Adv. Pranita Dhumale for the intervener.

PC – Suresh Raghunath Bodake, Neral Police Station, District Raigad.

CORAM : M. S. KARNIK, J.

DATE : APRIL 2, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 302, 396, 120-B and 201 of the Indian Penal Code (hereafter 'IPC' for short) registered on 04.12.2022 vide C.R. No.359 of 2022 with Neral Police Station, Raigad.

3. There are in all six accused. The applicant is the accused No.5. The applicant was arrested on 09.12.2022.

By an order dated 28.02.2024 one of the co-accused – Janardan Vitthal Karale was enlarged on bail. The relevant portion of the order reads thus :-

"2. This is an application for bail in respect of the offence punishable under Sections 302, 396, 120-B of the Indian Penal Code (hereafter 'IPC' for short) registered on 04.12.2022 vide C.R. No.359 of 2022 with Neral Police Station.

3. The applicant is the accused No.1. The applicant was arrested on 07.12.2022. The co-accused – Roshan Laxman Dhule was enlarged on bail by this Court by an order dated 22.02.2024 in Bail Application No.1657 of 2023. The relevant portion of the order dated 22.02.2024 reads thus :-

"2.This is an application for bail in respect of the offence punishable under sections 302 read with 34 of the Indian Penal Code, 1860 registered vide First Information Report (FIR) No.I-359/2022 on 04/12/2022 with Neral Police Station, District- Raigad.

3. The applicant is the accused no.2. The date of the incident is 03/12/2022. The FIR was registered on 04/12/2022. The applicant was arrested on 07/12/2022. The allegation against the accused who are 6 in number by the complainant is that his brother-in-law deceased Harisinh Rajput was riding his motorcycle from Neral to go to his shop at Kashele. On 03/12/2022 at 7.15 p.m. while Harisinh Rajput was going to Neral on his motorcycle, some unknown persons murdered Harisinh by attacking him with a sharp edged weapon. The deceased was the owner of the jewellery shop. The gold chain of the deceased was robbed. The chain was recovered from the accused no. 1. There is no recovery from the present applicant. Learned APP submitted that tower location indicates that the applicant was present at the spot. It is further submitted that one day prior to the incident, the applicant was seen in the company of the accused no.5 consuming liquor. It is further submitted that call record shows that the applicant was in constant touch with the other accused which indicates his complicity with the offence in question.

4. The prosecution case is based on the circumstantial evidence. There is no recovery from the applicant of the stolen goods or weapon. The weapon used was recovered from some other accused. There are no criminal antecedents reported against the present application. The applicant, in

my opinion, can be enlarged on bail, considering that the applicant is in custody for more than 1 year and 2 months, since the date of his arrest on 07/12/2022. The trial is not likely to conclude any time soon. The investigation is complete. The charge-sheet has been filed. Learned counsel for the applicant on instructions submitted that the applicant will not reside in the Raigad district and he will stay in Murbad. I am inclined to enlarge the applicant bail."

4. The prosecution case is based on circumstantial evidence. It is submitted by learned APP that the applicant is a master mind. It is submitted that the applicant who is the accused No.1 was a friend of the father of the deceased who was well aware of the jewellery which was displayed in the shop by the father of the deceased. It is submitted that the applicant passed on the information about the movements of the deceased who was to carry jewellery to the other accused."

4. The application is opposed by learned APP and learned counsel appearing for the complainant. While opposing the application it is submitted that there were telephonic conversations between the main accused – Chhaganram Bhimramji Patel and the other co-accused – Janardan Vitthal Karale (enlarged on bail) about hatching of the plan to kill the deceased and rob the gold ornaments that he was to carry. It is submitted by learned counsel for the complainant that the applicant is a contract killer. My attention is then invited to his memorandum statement under Section 27 of the Indian Evidence Act to submit that the applicant has confessed that he along with co-accused – Chhaganram Bhimramji Patel killed the deceased. It is

submitted that the bail application preferred by Chhaganram Bhimramji Patel was permitted to be withdrawn by an order passed by this Court on 18.03.2024. It is therefore submitted that as the role of the co-accused Chhaganram Bhimramji Patel and the present applicant is similar, the bail should not be granted. Learned counsel also relied upon the CDR of the applicant to submit that the applicant was present near the spot of the incident. It is submitted that the applicant is a resident of Virar and there was no occasion for the applicant to travel at the place of the incident which clearly is a factor against the applicant.

5. The case against the applicant is based on circumstantial evidence. Even according to the prosecution the applicant is not the main assailant. There is no recovery from the present applicant. The applicant was arrested on 09.12.2022.

6. Learned counsel for the complainant vehemently submitted that the applicant is a contract killer. However, prima facie, there are no materials on record to demonstrate that the applicant is a contract killer. There are

no criminal antecedents to the discredit of the applicant. However, these are the matters which will be dealt with at the time of trial. I am not expressing any opinion. The charge is not framed. The trial is not likely to conclude soon. There are no criminal antecedents reported against the applicant. I am therefore inclined to enlarge the applicant on bail by imposing stringent conditions. The investigation is complete and the charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed;
- (b) The applicant-Suraj Deepak Jadhav in connection with C.R. No.359 of 2022 registered with Neral Police Station, District Raigad shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;
- (c) The applicant shall report to the Investigating Officer of Neral Police Station, District Raigad once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.;
- (d) The applicant 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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence;

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change;

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Mumbai/Mumbai Suburban District and Raigad District after being released on bail, till the trial concludes;

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

(M. S. KARNIK, J.)