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

BAIL APPLICATION NO.2045 OF 2023

TANAJI BABURAO CHAUGALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Keral Mehta a/w Adv. Niranjana Mundargi a/w Adv.
Vishal Waghela for the applicant.

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

Adv. Manoj R. Gowd a/w Adv. Kavita N. Durgapal for
intervenor.

HC Nilesh Mohan Wani, Neral Police Station.

CORAM : M. S. KARNIK, J.

DATE : MARCH 6, 2024

P.C. :

1. Leave to amend. Amendment to be carried out
forthwith.

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

3. This is an application for bail in respect of the offence
punishable under Sections 396, 302, 120-B, 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, district Raigad.

4. The applicant is the accused No.6. The date of the incident is 03.12.2022. The FIR was registered on 04.12.2022. The applicant was arrested on 09.12.2022. The allegation against the accused who are 6 in number is that the complainant's 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.

5. Learned counsel for the complainant vehemently opposed the application for bail. It is submitted that the applicant was the one who was driving the car which dashed the motorcycle which the deceased was riding. It is submitted that there is a recovery of car at the instance of

the present applicant. It is submitted that the car was recovered from the house of the present applicant. It is submitted that the applicant is the resident of Virar. He had no business to be present near the scene of the offence. My attention is invited to the recorded conversation between two of the co-accused which according to the learned counsel shows that even the present applicant is involved. It is the contention of learned counsel for the complainant that the applicant is not co-operating with the trial Court and is protracting the framing of charge. Learned counsel for the applicant submitted that the applicant shall co-operate with the trial Court and shall not ask for unnecessary adjournments. Statement is accepted.

6. The case is based on circumstantial evidence. It is alleged that the applicant was driving the car which dashed against the motorcycle of the deceased. This is on the basis of the statement of the co-accused. There is no recovery of any weapon from the applicant. The co-accused – Roshan Laxman Dhule who was having more or less a similar role was enlarged on bail by this Court on 22.02.2024 in Bail

Application No.1657 of 2023. The weapon which was used in the commission of the crime was recovered from the co-accused. There are no criminal antecedents reported against the applicant. The applicant is in custody for more than one year and three months. The trial is listed for framing of charge. The investigation is complete and the charge-sheet has been filed. In the facts and circumstances of the present case I am inclined to enlarge the applicant on bail. Learned counsel for the applicant on instructions submitted that the applicant will not enter Raigad district till the conclusion of the trial except for the purpose of attending the trial. She submits that the applicant will be residing in Palghar district. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Tanaji Baburao Chaugale 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 closest police station near his residence in Palghar district twice a month i.e. on 1st and 3rd Monday of every month between 11.00 am and 1.00 pm.

(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 the applicant shall not enter 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.)