

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2268 OF 2023

Abhishek Vilas Chatur

Age : 27 Years, Occu. : Agriculturist,

R/o. : Nandagiri, Dhumalwadi,

Taluka : Koregaon, District : Satara.

...Applicant

Versus

State of Maharashtra

[Through : Satara Taluka Police Station

Vide C. R. No. 82 of 2023].

...Respondent

Mr.Shailesh Chavan a/w Mr.Rohan Hogle, Mr.Hrishikesh Avhad and Mr.Prathamesh Bankar:-	Advocates for Applicant.
Mr.H.J.Dedhia:-	APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATE : 30th APRIL 2024

P. C. :-

1. Heard learned Advocate Shri.Chavan for the Applicant and learned APP Shri.Dedhia for Respondent – State.
2. The present Applicant is prosecuted for hatching the conspiracy to commit murder of the husband of the Accused No.1 – Ragini

Bhosale. The deceased was having extra marital affair, that is why, his wife, Accused No.1 – Ragini hired the services of Co-accused Vrushabh Jadhav and Chandrakumar Nigade. The said Ragini works in Police department. As such, she was acquainted with those Accused. The said Jadhav and Nigade used to be produced before the Satara Court in connection with the offence registered with Shahupuri Police Station bearing C. R. No. 358 of 2022 under Section 307 of the Indian Penal Code, 1860 (“IPC”). Whereas, the present Applicant used to go to the Court for meeting the Co-accused Chandrakumar Nigade. That is why, his services were taken and the scope of conspiracy was widened and other conspirators were also involved.

3. All the conspirators have stayed in Gokarn lodge at Satara and they have also met at Ajinkya Executive Restaurant and Beer Bar at Pune. They have discussed about the conspiracy to eliminate the deceased and finally, it was executed on 23rd January 2023 at midnight. The deceased and his associate were sitting for a dinner. Two persons came on motorcycle and they have fired with the help of pistol. That is how, the offence is registered with Satara Taluka Police Station under Sections 302, 506(2), 120-B read with 34 of Indian Penal Code, 1860

("IPC"), 4, 25 of the Arms Act, 1959 and under Sections 37(1)(3), 135 of the Maharashtra Police Act, 1951. During investigation, the Applicant was arrested as a conspirator. The trial Court has refused him bail.

4. Learned APP pointed out the following facts:-

- (a) The materials against the present Applicant i.e. the reference of his name in the statement under Section 27 of the Indian Evidence Act, 1872 of Co-accused Shubham Chatur.
- (b) Seizure panchnama about C.C.TV., footages collected in pen drive. It is in respect of that lodge. This is sent to Forensic Laboratory. The report is awaited.
- (c) Station diary entry about arrest of the Accused along with others at Goa.
- (d) Statement on Page No.378 of the Manager of Gokarn lodging. He has identified few of the Accused who stayed in the lodge. Admittedly, present Applicant is not one amongst them.
- (e) Call details report about the communication in between this Applicant and Co-accused.
- (f) Co-accused Shankar Batale is granted bail on 21st July 2023 in Bail Application No. 1736 of 2023 by this Court. Whereas, Co-accused Chandrakant Nigade and Vrushabh Jadhav were granted bail by the Sessions Court.

5. It is true that it is difficult to gather evidence of conspiracy because it is always hatched in secrecy. The Prosecution has certainly collected those materials. It is sufficient to charge-sheet the Applicant. However, when the question of detention till trial comes, I think, the Applicant needs to be granted bail.

6. There are antecedents pointed out including the offence under Section 307, offence under Section 395 and other offences. In one of such case, the Applicant is acquitted and it is on Page No.408. The antecedents can be considered as a factor for putting strict conditions. So, the Applicant should not enter the Satara district at least for one year. Hence, order:-

ORDER

- (i) The Applicant – Abhishek Vilas Chatur be released on bail in connection with C. R. No. 32 of 2023 registered with Satara Taluka Police Station for the offences punishable under Sections 302, 506(2), 120-B read with 34 of IPC, 4, 25 of the Arms Act and under Sections 37(1)(3), 135 of the Maharashtra Police Act on furnishing personal bond and surety bond of Rs.50,000/- (Rupees Fifty Thousand Only).
- (ii) The Applicant not to enter the Satara Revenue District for one (1) year.

- (iii) Applicant to give an alternate address of the residence to the Court and to the Investigating Officer.
- (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (v) Applicant to give attendance to nearest Police Station on 1st Monday of every month from 10.00 to 12.00 noon for one (1) year.
- (vi) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after notice.

7. These are my *prima facie* observations. Let learned trial Court need not be influenced by them.

8. Application is disposed of in the aforesaid terms.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]