

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO.2854 OF 2023**

Manohar Punaji Korade ...Applicant

vs.

The State of Maharashtra ...Respondent

VISHAL  
SUBHASH  
PAREKAR

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**WITH**

**BAIL APPLICATION NO.3202 OF 2023**

Amol Shantaram Gopal ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Ameya Pitale a/w. Mr. Siddharth Pitale and Mr. Ajit Pitale, for  
the Applicant in BA No. 2854 of 2023

Mr. Vinaykumar Khatu a/w. Mr. Amar Gharte, Ms. Aishwarya  
Dangle and Ms. Shrutika Pilke, for the Applicant in BA No. 3202 of  
2023.

Mr. S.R. Agarkar, APP, for the Respondent/State.

Mr. R.A. Talekar, PSI, Kinhvali police station.

**CORAM : N. J. JAMADAR, J.**

**DATE : JANUARY 24 2024**

**P.C.:**

1. Manohar Korade, the applicant in BA No. 2854 of 2023, who  
is accused No. 2, and Amol Gopal, the applicant in BA No. 3202 of  
2023, who is accused No. 3, in C.R. No. 13 of 2023, registered with  
Kinhvali police station for the offences punishable under sections  
302 and 201 read with 34 of Indian Penal Code, 1860, seek to be  
enlarged on bail.

2. The applicants and the co-accused Dattu Dagle (accused No.

1) and Dhondiram Bhagde (accused No. 4) are arraigned for the aforesaid offences. The indictment against the applicant and the co-accused runs as under:-

Accused No. 1 Dattu Dagle was in a relationship outside marriage with the daughter of the first informant (the deceased) since one and half year prior to occurrence. The deceased was 21 years of age. Accused No. 1 Dattu desired to solemnize marriage with the deceased. However, the first informant and her family members were opposed to the said relationship as Dattu was already married and had two children. The deceased was also ambivalent in her approach as regards continuing the relationship with accused No. 1 Dattu. Thus, the latter had a grudge against the deceased.

On 14<sup>th</sup> January, 2023 at about 3.45 pm Dattu Dagle (accused No. 1) had sent Manohar Korde (accused No. 2) and Amol Gopal (accused No. 3) to fetch the deceased from her home, in a Eeco car bearing No. MH-48-A-6821 on the pretext that the deceased, had to appear for an interview for employment. The applicants brought the deceased in Eeco car to Ambernath Ghat. The said car was intercepted by accused No. 1 Dattu.

It is alleged that accused No. 1 Dattu assaulted the

deceased by means of stick and forced her to board the Maruti Alto car. Thereafter, as the deceased continued to resist, the accused No. 1 Dattu and No. 2 Manohar assaulted her, her mouth was gagged and an attempt was made to immobilize her by tying her tightly. The deceased lost consciousness. The accused No. 1 Dattu and the applicant Manohar took her for dead.

Accused No. 1 Dattu called accused No. 4 Dhondiram Bhagde. Later brought a binding wire. At about 11.30 pm, the deceased was taken to a secluded place near an abandoned quarry at Sakurli and accused No. 1 Dattu and the applicant Manohar smashed the face of the deceased with stones and eventually she was thrown in the quarry after tying her body with stones. The accused also destroyed the evidence by burning the clothes and articles and throwing those articles at different places.

3. On 16<sup>th</sup> January, 2023 the dead body of the deceased was found floating in the quarry. An ADR was registered, bearing No. 1 of 2023 at Kinhvali police station. Investigation revealed the complicity of the applicant and the co-accused. They came to be arrested.

4. Mr. Pitale, learned counsel for the applicant Manohar, submitted that there is a serious discrepancy in the version of the first informant, as regards the circumstances in which the deceased went missing. In the missing report initially lodged by the first informant on 15<sup>th</sup> January, 2023 with Rajur police station, the first informant had reported that the deceased left home on 14<sup>th</sup> January, 2023 at 3.00 pm on the pretext that she had to attend a meeting of womens group at Vaki. It was further stated that her younger daughter was the last person who had met the deceased. The first informant improved her version to state that on the day of occurrence accused No. 2 Manohar and No. 3 Amol, the applicants herein, had come to fetch her. This discrepancy, according to the learned counsel for the applicant, erodes the veracity of the claim of the first informant. It was further submitted that once this theory of last seen becomes unworthy of credence, the other circumstances fall through. Even otherwise, according to Mr. Pitale, the fact that the applicant had driven the Eeco car on the day of occurrence is compatible with the innocence of the applicant as he had been plying the car to ferry the tourists.

5. Mr. Khatu, the learned counsel for the applicant Amol, submitted that there is no material to show any prior acquaintance

between the applicant and accused No. 1 much less between the applicant Amol and the deceased. On the contrary, the statement of Hitesh Chajed, relied upon by the prosecution, indicates that on the day of occurrence, the applicant had called Hitesh Chajed near Vasuli and informed him that accused No. 1 Dattu made the deceased to alight from Eeco car, assaulted her by means of stick on head and accused No. 1 and applicant Manohar took her away in the Alto car towards Igatpuri. It was further submitted that the prosecution does not allege that the applicant Amol had further accompanied any of the co-accused.

6. The learned APP resisted the prayer for bail. Taking the Court through the material on record and the circumstances, which emerge therefrom, which according to the learned APP squarely incriminate the applicants, it was submitted that none of the applicants deserves to be released on bail.

7. Evidently, it is a case of circumstantial evidence. At this stage, the alleged discrepancy in the version of the first informant while lodging the missing report and the subsequent statement post the discovery of the body of the deceased need not be delved into. There is material which lends credence to the version of the first

informant that on 14<sup>th</sup> January, 2023 the applicants had fetched the deceased from her home in the Eeco car. The statements of Sopan Korade, the owner of the car, and his father Ramdas Korade, prima facie indicate that on 14<sup>th</sup> January, 2023 initially accused No. 1 Dattu had called Sopan to hand over the Eeco car to his son Dipak and later on told him to hand over the car to Manohar, accused No. 2. The latter had collected the car at about 2.00 pm and the said car was returned at about 5.30 pm by Dipak.

8. Hitesh Chajed also refers the circumstances in which he had requested Amol Gopal, accused No. 3, to help accused No. 1 Dattu in arranging an interview purportedly of the niece of Dattu and on the day of occurrence itself Amol had apprised him about the incident. An endeavour was made to urge that the statement of Hitesh Chajed came to be recorded belatedly. I am afraid, at this stage, the submission merits consideration.

9. In addition to the circumstance of last seen, the applicant Manohar was found in the company of accused No. 1 Dattu on the night intervening 14<sup>th</sup> and 15<sup>th</sup> January, 2023 when they had filled petrol in the Alto car.

10. There is material to show that there were blood stains in the Alto car and accused No. 1 Dattu had changed the seat cover of the car.

11. Another circumstance which is arrayed against accused No. 1 Dattu and the applicant Manohar is the disclosure statements made by them leading to the discovery of many facts. The submission on behalf of the applicant Manohar that disclosure statements were jointly made does not merit consideration, at this stage, as prima facie it appears that separate disclosure statements were made by the accused No. 1 Dattu and the applicant Manohar though they form a part of the same memorandum.

12. The situation which thus prima facie obtains is that the dead body of the daughter of the first informant was found floating after a couple of days. She was last seen in the company of applicant. The deceased died on account of head injury. There were numerous injuries on the person of the deceased. Prima facie there is sufficient material to indicate that the accused No. 1 Dattu and the deceased were in a relationship. There is evidence to indicate that the applicant Manohar accompanied accused No. 1 Dattu all along.

13. I am, therefore, impelled to hold that so far as applicant/accused No. 2 Manohar Korade there is strong circumstantial evidence to prima facie show the nexus of the applicant with the alleged offence.

14. So far as the complicity of applicant/accused No. 3 Amol Gopal, the prosecution does not allege that he had accompanied the rest of the co-accused after the deceased was allegedly made to alight from the Eeco car and board the Alto car of accused No. 1 Dattu. As the statement of Hitesh Chajed indicates that applicant/accused No. 3 Amol had called him on 14<sup>th</sup> January, 2023 itself and narrated the incident that had transpired, the applicant Amol deserves the exercise of discretion.

15. The learned APP urged that the applicant Amol ought to have disclosed the said incident to police on the very day. That cannot be a ground to deny the bail, as the manner in which a person reacts to a situation cannot be put in a straight jacket.

16. Resultantly, the application of the Manohar deserves to be rejected and that of Amol deserves to be allowed. Hence, the following order.

**ORDER**

- 1] Bail Application No. 2854 of 2023 stands rejected.
- 2] Bail Application No. 3202 of 2023 stands allowed.
- 3] The applicant Amol Shantaram Gopal be released on bail in C.R. No.13 of 2023 registered with Kinhavali police station, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.
- 4] The applicant Amol Shantaram Gopal shall mark his presence at Kanhvali police station on the first Monday of every alternate month in between 11 am to 1 pm till conclusion of the trial.
- 5] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.
- 6] 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.
- 7] The applicant shall regularly attend the proceedings before the jurisdictional Court.
- 8] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose

of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicants and co-accused and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

**(N. J. JAMADAR, J.)**