

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2583 OF 2024

Tapish Pukhraj Chaudhary, Age 27 years,
Occ.Student, R/o.Gagan Unnati Society,
Near Iskon Temple, Katraj Kondhwa Road,
Kondhwa Budruk, Pune-411 048
P/at 32-b, New Pali Road,
Bhagat Ki Khoti, Jodhpur,
Rajasthan-342005
(Presently in Yerwada Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Siddharth Atrawal (through VC) with Mr.Himanshu J.Patil for
Applicant.

Mrs.Veera Shinde, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 23rd October 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.561 of 2019 registered with Kondhwa Police Station, District Pune, for the offences punishable under Sections 302, 397, 201 of Indian Penal Code.

3. Learned counsel for Applicant submits that except the fact that car was recovered from the Applicant, there is no prima facie evidence to show that the alleged offence was committed by the Applicant.

4. On the other hand, learned APP has pointed out incriminating material against Applicant. Having gone through the same it is evident that the deceased was the driver of the OLA company. In his car GPS system was fitted by the company to find out location. When the deceased did not return home till mid night, the son of the deceased Manish who is one of the witnesses, checked the location. It was found that vehicle has gone outside the jurisdiction and when he tried his father's phone it was found to be switched off.

5. The body was found near Swami Narayan temple. When the CDR was checked it was found that at the relevant time the Applicant was at the said spot and then CDR further matches with the GPS location of the said vehicle.

6. Further it is evident that accused tried to destroy the evidence by throwing the SIM card from which the vehicle was booked. Thus, there is ample evidence available on record to connect the Applicant with the alleged offence.

7. In addition to this there is every likelihood that trial would be concluded within next 3-4 months as only four witnesses are remained to be examined. In the circumstances, this is not a fit case for grant of bail. Accordingly it is rejected.

(ANIL S.KILOR, J.)

MST