

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

**CRIMINAL BAIL APPLICATION NO. 2830 OF 2024**

|                          |               |
|--------------------------|---------------|
| Vikas Ashok Hemake       | ...Applicants |
| <b>Vs.</b>               |               |
| The State of Maharashtra | ...Respondent |

Mr. Aniket Vagal with Kunal Pednekar, Savvy Kolhekar, Advocate for Applicant.

Mr.P. P. Deokar, APP for State-Respondent.

**CORAM:- ANIL S. KILOR, J.**

**DATED:- 5<sup>th</sup> SEPTEMBER, 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.43 of 2022, registered with Sarkarvada Police Station, Nashik, for the offence punishable under Sections 302, 201 and 120-B of the Indian Penal Code, 1860.
- 3) The learned Counsel for the applicant argues that in absence of any direct evidence against the applicant to show that he is involved in the alleged offence, the applicant is entitled for grant of bail. It is

submitted that the evidence of complicity and even the motive is against the accused No. 1 and there is nothing against the applicant. It is submitted that the amount received by the applicant in his account was towards outstanding against the deceased for the work of fabrication done by the applicant and it has no connection with the alleged offence. It is further argued that the vehicle, which was recovered from the applicant i.e. Mahindra Bolero, no blood stains were found or no evidence is produced on record to show that the said vehicle was found to have crossed toll nakas while taking the body of the deceased to other district to destroy it.

4) It is lastly argued that co-accused Suraj was granted bail by this Court and accordingly, principles of parity will apply.

5) On the other hand, the learned APP strongly opposed the application. He has pointed out that the memorandum under Section 27 of the Indian Evidence Act, 1872 and other evidence. It is pointed out that after the commission of offence, the bodies were taken to Dist. Ahmednagar by vehicle Mahindra Bolero, which was seized from the applicant. It is pointed out that two wheeler owned by the deceased was also recovered from the applicant. It is further pointed out that Rs.3 Lakhs was received by the applicant from the account of the deceased after the alleged incident. Accordingly, the learned APP strongly opposed the application and prayed for the rejection of the application.

6) Having gone through the charge-sheet and the material collected by the Investigating Officer during the investigation, it is evident that the vehicle Mahindra Bolero was recovered at the instance of the applicant and at the same time, two wheeler owned by the deceased was also recovered. There are statements of witnesses which prima facie connect the applicant with the alleged offence.

7) Moreover, the bank statement of the applicant shows that he received Rs.3 Lakhs after the alleged incident from the account of the deceased. It is the case of the prosecution that Rs.3 Lakhs is the share of the applicant which was given to him for the commission of the alleged offence. Since the offence is very serious and there is prima facie material to show the complicity of the applicant in the alleged offence, I do not find the present application as a fit case for grant of bail.

8) As far as the bail granted to the co-accused Suraj is concerned, the role of the Suraj and the applicant cannot be said to be similar one. In that view of the matter, parity cannot be applied to the applicant.

9) Accordingly, the application is rejected and disposed of.

**[ANIL S. KILOR, J.]**